



SPRINGFIELD DEVELOPMENT REVIEW BOARD

Tuesday, May 8, 2018 - 7:00 P.M.

MINUTES

APPROVED 6/12/18

- A. **CALL TO ORDER:** Chair Steve Kraft called the meeting to order at 7:07 p.m.
- B. **ROLL CALL: Members:** Chair Steve Kraft, Karl Riotte, Walter Clark, Joe Wilson, Lori Claffee (arrived at 7:40 p.m.)
Applicants: William & Patricia Handly
Public/interested parties: Rick Bowen, agent for applicant
Also present: Nathan Wardwell, Nola Chase, Dana Chase, Scott Watkins, Joseph Trombly, Richard Bowen (agent for applicant), Walter Wallace, Walter Martone, Mike Martin, Rodger Capron, Tom Yennerell and Renee Vondle, Board Secretary/Town Planner/Zoning Administrator
- C. **ADMINISTER OATH:** I hereby swear that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth. Applicants, Richard Bowen, Nathan Wardwell and Renee Vondle took the oath.
- D. **CONFLICT OF INTEREST:** Does any member of the Board have a conflict of interest regarding any matter scheduled for public hearing? None declared.
- E. **OLD BUSINESS:**
No Old Business
- F. **REQUESTS AND PUBLIC HEARINGS:**
1. **Application 18010 Factory Falls, LLC**

A request for Design Review Approval by William Handly, owner of Factory Falls, LLC to increase height of brick wall and place vinyl siding on the building façade on the East elevation only and to replace all windows after-the-fact. The property is located at 12 River Street and is zoned Central Business/Downtown Design Review Overlay District, Parcel No. 26-2-39.

The application was warned in the newspaper, posted and a hearing notice was mailed to abutters as required by law.

Documents submitted: Application, East elevation drawing and photographs. The Board also received minutes of the May 1, 2018 Downtown Design Review Committee hearing. The DDRC asked the applicant to bring updated drawings and sample building materials to DRB hearing.

Chair Steve Kraft read the recommendations from the Downtown Design Review Committee (DDRC) as follows:

The Downtown Design Review Commission recommended approval of placing 4" x 4" x 16" red cement brick block wall at an average height of 4 feet the length of the entire East elevation of the building and to include a small wrap-around portion at both North and South elevations with the cap to be determined at Development Review Board hearing and to approve the after-the-fact windows.

Chair Steve Kraft called on the Zoning Administrator to present the application.

Ms. Vondle, Zoning Administrator addressed the DRB. She stated that the DDRC held their hearing for the entire request to increase the height of brick wall and place vinyl siding on the building, façade on the East elevation only and to replace all windows after-the-fact. The DDRC took testimony and worked with the applicant quite a bit and achieved a good outcome. It was decided that the applicant would go forward with the brick/window portion of the application so that it would give him more time to prepare a more complete application with the building materials that he had not quite made a definite decision for the Development Review Board hearing. The DDRC and the applicant agreed that this strategy would allow him to get the brick wall portion of the request approved so that construction could begin. This would give him more time to submit a more complete application with the exact materials he would use. The advantage of this strategy was to allow the wall to be built while he proceeds through the second Design Review and DRB hearings needed for the next building phase. Hopefully, there will not be a gap in the construction schedule. Ms. Vondle also stated that the Vermont Division of Historic Presentation has stated that the building is no further considered historic due to the fire.

Steve Kraft called on the applicants to present the application.

Patricia Handly asked the board if it makes sense to build the brick wall if they do not know if the rest of the phased application will be allowed until after the next meeting. They do not want to put money into the brick wall if they are not going to be allowed to do the rest of the project and they have already purchased the brick.

Richard Bowen, agent/lawyer for the applicant stated that he met briefly with the Zoning Administrator, Renee Vondle to introduce himself and inform her that he will be assisting in the application. He stated that he understands their concerns about investing in the repairs/maintenance to a building that a lot of people have been looking forward to seeing some changes for quite some time for which they are now taking place. He stated that he understands the process of going through the hearings. He has been asked a lot of questions from his client whether the Town can choose the color, brick, and various other materials. After review of case law and the Town of Springfield zoning regulations, his answer to his client is that the Town cannot. He has encouraged his client to go through the entire DDRC/ DRB hearing process to come up with a plan that everyone will be happy with. He stated that he wants to look at this not as adversarial, but as something of a collaboration so that we can all come up with something that meets his clients budget and time frame and gets the building into some kind of condition that it was ordered into by the Town Manager when it was in violation of the nuisance ordinance because of the condition it is currently in. He noted that the violation basically stated that they were to repair the windows and repair the siding. Those items, in his opinion, are not alterations to the building and in the opinion of the Environmental Court which said several times that an alteration have to be structural and can't be replacement/ maintenance. He also noted that the Town of Springfield's zoning bylaws also state that. He stated that the applicant wants to make sure the project moves ahead and in a manner that won't be held up with overthinking and prevarication on various things.

Mr. Bowen noted that the details for the cap on top of the brick wall were not totally addressed in the DDRC hearing, but now they are. He stated that the cap will be the same brick as the wall. Mr. Handly stated that he can either do the same brick or a gray brick. He noted that the gray color of the cap offsets the siding color. Mr. Handly stated that SOM recommended the gray siding and that he felt a gray brick cap on top of the brick would look pretty good. He noted that the wall is along the pedestrian sidewalk and the choice of cap material is also a safety issue. Metal or plastic could be harmful. The board asked what kind of an overhang the cap would have. Mr. Handly stated that there would be no overhang. He plans to make the expanse of the wall look even and the brick cap

of same or different color that will match the siding.

Steve Kraft called on Nathan Wardwell, Chair of the DDRC to address the Board. Mr. Wardwell stated that during their hearing last week, the Committee looked at the application and felt it wasn't complete enough for what Mr. Handly would like to do. The DDRC is in favor of the project moving forward. The DDRC looked at the sample brick that Mr. Handly brought in and thought it looked nice, but the applicant wasn't sure what he would use for a cap. The DDRC wanted the type of brick and cap determined at the DRB meeting. Regarding the vinyl siding, Mr. Handly did not know what kind of material he wanted for the vertical siding, whether it would be vinyl, metal, or wood. He was unsure what it was going to be. Mr. Wardwell stated that the Committee couldn't approve the siding without knowing what the exact materials were going to be used. The Committee does not want hold up the project, but recommendation by their board to approve all the materials without knowing what they are would be like giving a carte blanche permit to do whatever one proposes to do. That is why they recommended to start with the brick wall portion of the application and then proceed with the new application once the applicant has the siding picked out and what he was going to use for all materials so that DDRC could see what he was planning on using.

Joe Wilson asked the applicants if they have brought plans or drawn sketches for the meeting tonight. Mr. Handly stated that Steve Plunkard from Springfield on The Move was preparing the drawings, but his machine broke down so he was not able to finish the drawing. Patricia Handly informed the board that Mr. Plunkard also has their brick sample that they were going to present at the meeting. Richard Bowen said he could have the drawing by next week.

Chair, Steve Kraft noted that the DRB will set up a meeting before the next monthly meeting to facilitate this project going ahead as timely as possible. He stated that no one wants to slow things down or be an obstructionist.

The applicants informed the Board that they have lost their contractor and they could have had 90% of the job done by now. Mr. Handly stated that he had been told that he didn't need a permit by the Town Manager and that is why he started construction without a permit. Mr. Handly discussed the difficulty with filling out the permit application. Richard Bowen reiterated that collaboration is the best way to proceed and he understands that there is disagreement whether replacing a window is an alteration and, in his opinion, it is not. So it wouldn't be a part of any permitting that is required for the downtown in his opinion. Mr. Bowen stated that getting the additional drawings and information by the end of the week is paramount in order to set the next meeting and they will work on that. Mr. Bowen stated that he believes the process will go smoothly because what he is hearing is that everyone is working together and hopefully the recommendations are being accepted.

Mr. Handly stated that he also wanted permission tonight to put the garage doors on the dock because he has ordered the doors and the distributor has purchased them and is sitting on them. The doors were supposed to be put them in two weeks ago.

The Chair explained the hearing process, noting that the DDRC makes a recommendation and the DRB finalizes it. The DDRC is an advisory committee and it is the DRB who has authority to approve or deny the application.

Patricia Handly asked how many times do they have to go back. Chair, Steve Kraft stated that the completed application has to go back to DDRC for their review and recommendation and then must come to the DRB. He stated that the DRB is willing to have a special meeting to expedite this for the applicant.

Mr. Handly asked how long a permit is good for because he was concerned of his contractor's availability. Ms. Vondle noted the permit is good for one year. Past the one year period, they could come ask for an extension.

Ms. Vondle, Zoning Administrator addressed the DRB. She noted to schedule a hearing with the DDRC, there has to be a complete application. The reason for this is to enable the DDRC to see a visual of what the project is going to look like and review the exact materials that will be used. In this case with the brick wall, the DRB thought the new drawings would give them a visual of what the building was going to look like with the wrap around on the South and North ends, so it is hard to visualize what it is going to look like coming around both ends especially on the South End by Comtu Falls Park where there is mechanical equipment and wires placed almost on the corner. If the applicant wants to get a complete application into the DDRC, it must be warned first and the descriptive language has to be exactly what is proposed in their application so that the abutters know what the applicant is specifically planning to do. It's hard to throw an application quickly together. It has to be well thought out. You have to decide the vertical siding whether it will be barn board, metal, or vinyl siding. The horizontal paneling material needs to be spelled out as well. The drawing from the original application is great, but showed only a small section of the corner of the building. The building is a huge expanse of massing. The drawing needs to be a larger presentation of what is there and an exact material list like Chair Nathan Wardwell of the DDRC spoke of. The material list has to be complete.

Discussion followed about how early a meeting can be set for both DDRC and DRB. Ms. Vondle stated that the legal laws for warning a Design Review meeting is 15 days. Chair, Steve Kraft stated that the DRB is willing set a special meeting as soon as the legal warning commitment is made.

Patricia Handly asked if they need to hire an engineer to do the drawings. Chair, Steve Kraft stated that they did not. Ms. Vondle said that the current drawing is fine and that the DDRC and DRB just need to see a longer version of the building and a material list. The Commission & Board do not review color. Color cannot be regulated in the State of Vermont.

Mr. Handly stated that he was advised by Steve Plunkard that drawings would cost at least \$2000 for engineered drawings and he did not think that other applicants have ever been asked to do this and he is thinking about future applicants and noted that he did not think this has ever been done before.

Mr. Handly stated that SOM is working hard to get businesses into Springfield and if every potential business wanting to relocate to Springfield has to go through this and getting a permit is hard to do, then this will make it harder and harder to get people to move to Springfield.

Chair, Steve Kraft stated that the DDRC and DRB have reviewed other buildings such as The Woolson Block and the new movie theatre building. Both applications had detailed drawings. He stated that for this application they do not need scaled drawings of the whole building, but the Board does need to know what materials are going where and what it will look like on the building. Discussion followed regarding the current drawing. Mr. Handly stated that he had left most of the decisions up to SOM.

Walter Clark asked *if Steve Plunkard had come through with the drawing*, what would the Board have had been able review? He noted that that the DRB wants to help people get things done in town, but all that the Board has to go by this evening is the small sketch.

Ms. Vondle informed the board she and the Town Manager went to a Springfield On The Move executive board meeting to provide direction/clarification regarding the drawing to help Steve Plunkard. Ms. Vondle advised SOM that a rendering/drawing of most of the expanse of the building is all that is required. Mr. Plunkard was very concerned about all the dimensions and stated that he wanted to do it the way he was trained to do it. Tom Herndon offered to measure the building for him. It was stated that the drawing does not need to be a professional rendering, but rather just a visual representation of what the building is going to look like for the DDRC and DRB to review and to include a complete material list..

Chair, Steve Kraft restated that the drawing needs more detail. Discussion followed regarding the plan to break up the massing of the East elevation of the building. The original application provided no details on this. Mr. Handly stated that it is a very long building and he thought it is a good idea to put a few fake posts so that when one looks down the length of the building, you won't see any bowing, waves or bends. He also stated that he likes the idea of dressing up the siding with both horizontal and vertical siding. Mr. Handly also stated how he, his wife and SOM came to the agreement of the color of the siding, taking into consideration the dust, wind and traffic exhaust along River Street.

Joe Wilson stated that the DRB wants to support the applicants in their efforts and that it is a good project, but the Board is tied to certain processes and procedures. He gave an example of a complete application by an applicant on Valley Street who brought in a complete set of drawings and plans which included sketches from the street and looking straight down on the project. Mr. Wilson stated that the applicant had his approval that night because it was a complete, well thought out application.

Chair, Steve Kraft noted that, unfortunately the applicants got caught in the transition timing of changing zoning administrators. Had this not been the case, the DDRC and the DRB would have worked through the process a month ago and it could have gotten taken care of already.

Richard Bowen asked about the upcoming meeting schedule? Chair, Steve Kraft stated that what needs to happen first is to get drawings to the Zoning Administrator as quick as possible and get permission from DDRC and then the Board will review them. A special meeting instead of the next regularly scheduled monthly meeting can be arranged.

The Board discussed the description of the bricks and cap. Mr. Handly stated that it is a 16" brick, two bricks in one. The brick measures 16" long x 3 5/8" high x 3 5/8" wide. It is like a regular brick but only 16" long so it looks like two bricks with mortar joints. He is worried about the sidewalk plow hitting the wall again. He stated that he will put the top cap up and under so that comes out even to the outside wall and that will seal everything up. The cap will slant outward slightly which will take care of water problems. If it was made too flat, pedestrians would put things on top like it was a shelf. With a slant to the top cap, that will not be happening.

Joe Wilson asked about wrapping the brick wall around the South and North elevation. Mr. Handly stated that his mason told him that he doesn't like to put the control joint on the corner and he wants to wrap it around so that when the wall moves a little bit, movement can come and go without cracking the bricks. Walter Clark asked how far the brick wall will wrap around the building. Mr. Handly stated it will look just like a regular wall, but it won't have a joint right next to the corner. It will come along down through and go around the corner. He stated that anytime you put a bend in anything it is a lot stronger than it is the straight wall. He assumes there will be five control joints, evenly spaced. He stated it will be the entire length of the building including the loading dock section on the East elevation.

Mr. Handly asked if he would eventually have to come before the Board to do work on his hydro. He will be needed to change the draft tube maintenance on the exterior this summer. The Board stated he would not need a permit for maintenance.

There was no further desire to address the DRB by the applicant, public, or members.

DECISION OF THE SPRINGFIELD DEVELOPMENT REVIEW BOARD, MAY 8, 2018:

Joe Wilson moved to accept the recommendation from the DDRC to approve placement of 4" x 4" x 16" red cement brick block wall at an average height of four feet the length of the entire East elevation of the building and to include a small wrap-around portion at both North and South elevations and the after-the-fact windows. Karl Riotte seconded. Motion passed 4-0 (Lori Claffee abstained as she was not present in the meeting for much of the conversation).

G. New Business:

Renee Vondle, Zoning Administrator announced that The Spring Planning & Zoning Forum at Franklin Conference Center in Rutland is happening May 23, 2018 and the registration deadline is May 15, 2018. Any DRB members that are interested, please call the office soon.

Ms. Vondle gave the board an update on her first three weeks, noting that communications regarding code enforcement complaints have been taking up a tremendous amount of time. She noted that she has been working with Paul Stagner, the Code Enforcement Officer, but the letters he sends out have the Zoning Administrator's signature on it. She noted that this is the busy season for P& Z offices across the State. Construction season is here and she is struggling to find the time to do normal zoning permits, help applicants, do research for title searchers, prepare for meetings and fit in all the code enforcement communications. She is working with Paul and the Town Manager to find a system that works for everyone.

Walter Clark asked if the Certificates of Occupancy conditions from the Notice of Decisions on big projects have been followed up on and if there is a tickler file to keep track of whether permittees have followed through on their conditions of permit. Ms. Vondle stated that following up on Certificates of Occupancy is her job and she hopes to be able to take a look at the progress of these big projects soon. Discussion followed regarding the different instances where a CO is needed. CO's for new single family dwellings, garages, camps, etc. usually happen when the home owners contact the ZA at time of sale and or refinance. New commercial buildings or businesses cannot open until they contact the ZA for a CO. New apartments cannot rent out and new restaurants/retail establish can't open their door until they obtain a Certificate of Occupancy. Those applicants usually call in for a site visit so they can begin operation or occupancy, but she stated that she can't possibly chase every administrative CO and stated that most Zoning Administrators in the State do not.

Ms. Vondle addressed communication with the public regarding zoning and that it is important for people to realize that if they are in the Downtown Design Review Overlay District zone, everyone has to go through the same process. It is black and white. We need to explain why we became a State Designated Downtown, which was to bring more grant monies in to create a beautiful, revitalized downtown. They need to know that in order to be a Designated Downtown, we had to create a Design Review Commission. And, we have a really good Downtown Design Review Committee which people need to realize that the DDRC is essentially like a customer service department who will walk the applicant through the application process and help them get ready for

the next hearing with the DRB. If they do their job right, then the applicant is prepared to present a solid application package to the DRB and, hopefully can get their project approved on the first try. It is important not to frustrate applicants with continued meetings. Vermont's construction season is short so successful hearings are important.

The Board and Ms. Vondle discussed the need for updated Downtown Design Review bylaws. Lori Claffee noted that the Planning Commission is currently working on the Bylaw update and Design Review is one section that will be getting an overhaul. Ms. Vondle stated that after the Selectboard adopts the new bylaws there needs to be some marketing done to explain to people why we made the changes and the outcome we hope to obtain from the change. There will be one public hearing with the Planning Commission and two public hearings with the Selectboard before the Zoning Bylaws are accepted and go into effect. She stated that more marketing will only help. We have the amazing Black River flowing through a beautiful historic downtown and we want to not only retain the historical character of the downtown, but encourage progress that enhances it even more.

H. Public Comments:

No public comments

I. Approval of the Minutes:

Karl Riotte moved to approve the minutes of November 7, 2017 as presented. Walter Clark seconded. Motion passed 6-0.

J. Adjournment:

Joe Wilson moved to adjourn at 8:07 p.m. Lori Claffee seconded. Motion passed unanimously.

Steve Kraft noted that the date of the next hearing will be set once the applicant comes forward with a complete application for review.

Respectfully submitted,

Renee L. Vondle
Secretary
Town Planner/Zoning Administrator