

RUTLAND REDEVELOPMENT AUTHORITY
CITY OF RUTLAND
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**Architectural Review Meeting /May 18, 2016
Minutes**

Attendance: Dave Cooper, Ed Clark, Brennan Duffy, Alvin Figiel and Dave Coppock.

Also Attending: Alan Shelvey, Zoning Administrator and Mike Coppinger, Executive Director Downtown Rutland Partnership.

- I. Call to order 8:33 am.
- II. There were no additions/deletions to the agenda.
- III. There was no public comment.
- IV. 53 Merchants Row – Stephen Willoughby.

Stephen Willoughby was present to answer any questions regarding the proposed sign for his business at 53 Merchants Row. He had no additional information to what had already been distributed.

Alan confirmed that the sign was in conformance with the ordinance and the applicant had provided the necessary insurance documentation. The sign application was not required to go before the DRB.

Ed moved to approve the sign as presented. Alvin seconded. Motion was approved. Mike said the home goods business was set to open in June.

150-156 West Street – Mark Foley Jr.

Mark submitted a letter requesting an extension for the 150-156 improvements until December 31, 2016. The project was delayed due to the Phoenix Bookstore and Castleton University Student Housing projects. Alvin moved to approve the request. Ed seconded. Motion was approved.

38 West Street – Ratify written decision.

Dave Cooper distributed copies of the written decision regarding 38 West Street. The decision includes the reasons for both the majority and minority vote.

Dave Cooper asked if the members of the majority would agree to remove #3 from the list of reasons listed to oppose the demolition of 38 West Street. The reason he objects to #3 is because it suggests that a building that is not well

maintained should not be demolished and there is no basis for determining whether or not the building has been maintained adequately without some level of standard. He added that the majority decision stands without #3.

Ed said it is more than the property not being maintained; the applicant made decisions that put the building in its current situation. The Preservation Trust of Vermont concluded that the building is historic and the ARC majority felt it should be protected as such.

Alvin said the DRB does not have the right to challenge the demolition unless it is in a design control district. Zoning imposes rules on design control districts as the most valuable in the community and as such should be reviewed. Property owners need to be aware of restrictions in these districts.

Dave Coppock said as a member of the majority he may not have agreed with all the reasons for the decision but he agreed the building should not be demolished. He did not understand how he could vote with the majority but not support all the reasons.

Brennan said #3 is not germane to the decision and the decision stands on its own.

Alvin said it doesn't hurt to include #3. Dave Cooper disagreed saying it creates precedent based on maintenance standards that do not exist. He said it is a dangerous precedent that the ARC might need to defend in the future.

Dave Cooper suggested adding that Dave Coppock does not agree with #3 as part of the majority vote.

Discussion continued regarding the subjective review by the ARC.

Dave Cooper said the ARC's objective decision or advisory review is not enforceable but needs to be based on standards that do not appear in the regulations.

Alvin said he objects to the minority opinion being included in the decision.

Dave Cooper wants his perspective to be heard. The minority opinion will give the DRB a fuller flavor of the robust discussion held and decision process reached.

Alan was asked to clarify what information the DRB wanted from the ARC. Alan said it was his understanding that the DRB wanted to understand the reasons the ARC voted to deny the applicant's request to demolish 38 West Street.

Ed said the decision shows that due diligence was served and all voices were heard. The final decision does not rest on ARC as it is an advisory body only. He added that this brings to light the need for standards and it is sad to see a contributing building to the Historic District come down.

Alvin asked how many 18th century buildings still exist in the City. He asked if there were only 1-2 left would it affect the decision.

Dave Cooper said that although he would not like to see the building demolished, there needs to be a set of standards and criteria on which the ARC could deny the applicants request to demolish; but no such standards and criteria exist and therefore there is no basis or sound foundation to deny.

Discussion continued on the value of the ARC if the Committee can't vote no. Ed said we can make recommendations based on aesthetics judgement, character of the historic downtown and issue an advisory decision to the DRB. The Committee agreed that review standards are needed and the Planning Commission has been asked to draft some criteria. Mike added that the ARC is necessary for the Downtown Designation.

Dave Coppock said the Mayor asked the PC to wait on making zoning changes until he hired a new Zoning Administrator so that person could be a part of the process. With Tara Kelly's recent nomination to the position, the PC will be moving forward and applying for a grant to assist in rewriting the zoning.

Dave Coppock asked about the open meeting law with regard to emails. Dave Cooper had hoped to avoid back and forth discussion and limit email to documenting the majority and minority opinions. However, the emails have been made a part of the decision and verbally presented at this public meeting.

Barbara was asked to submit the Decision for 38 West Street as presented to the Zoning Administrator for the DRB meeting this evening. Alvin stated he plans to attend the meeting in person.

V. New Business.

Mike asked for a map of the ARC jurisdiction. He was referred to the City zoning map and reminded that the jurisdiction includes DB, CH and MSP zoning districts per a 2014 letter from the Mayor. Alvin added that all design control districts are subject to ARC review according to the Ordinance.

Mike let Alan know that the Highway Tavern on the corner of State and Summer Streets is not in compliance with the sign ordinance.

VI. Adjourn.

Ed moved to adjourn. Brennan seconded. The meeting ended at 9:20 am.

For the Architectural Review Committee
Barbara Spaulding