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APRIL 27, 2011

## Burlington Zoning Case Pits Solar Panels Against Slate Roofs

POSTED BY ANDY BROMAGE ON APRIL 27, 2011 AT 11:07 AM IN CURRENT AFFAIRS, ENVIRONMENT, NEWS, VERMONT | [PERMALINK](#)

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On the heels of the zoning dust-up over a [Burlington restaurant's wind turbine](#) comes another case of historic preservation vs. renewable energy. This time, it's solar panels vs. slate roof — and the solar panels won.

Bob Summers and Orly Yadin asked the city for permission to replace a portion of their slate roof at 185 Maple St. with a standing seam metal roof. The couple wants to install 20 rooftop solar panels as part of an addition (pictured). Six of those would go on what is now slate roof. The homeowners say that mounting the panels on a metal roof would be easier and less costly than ~~drilling into~~ affixing them to slate.

By their estimate, the panels would generate 75 percent of the the household's electricity needs and would not be visible from the street.

Burlington City Planning staff approved of the **renovation**, which consists of additions to the first and second floors, plus a small patio. But they recommended denial of the solar array because the city's zoning regulations bar property owners from removing slate roofs unless they are in a state of failure. And this roof is in good shape.

In a **staff report**, senior planner Scott Gustin suggested the homeowners could install 14 solar panels — all but the six that would go where the slate roof is.

"The loss of historic roofing slate will impact the essential integrity of the building," Gustin wrote. "When such alteration can be avoided, as is such in this case, avoidance of impact is the recommended option."

But the homeowners' architect, Bob Duncan, says fewer than 20 panels would make the project "unworkable" financially and would lead the homeowners to scrap the idea. Without all 20 panels, it would take too long for the investment to pay for itself, he says.



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On Tuesday, the Design Advisory Board overruled planning staff and approved



the metal roof. (Pictured at left is the portion of slate roof where six solar panels will go.) The approval means the project can begin in 15 days.

As a condition of approval, the board put on record that it "preferred" the homeowners install the solar panels over a *new* slate roof (a third option that was presented during an afternoon hearing at City Hall) but that standing seam would

be "acceptable." Also, the homeowners must keep the removed slate shingles for future repairs to the rest of the roof.

Duncan said the ruling was a victory for his clients, but said it doesn't settle the slate vs. solar question. Under Vermont's "clothesline law," he notes, towns can't prohibit property owners from installing solar panels, clotheslines or other energy devices. Gustin stressed in his planning report that the city *wasn't* denying the homeowner the right to install solar panels; it could do so on metal roofs that are part of the addition, just not on the slate. But Duncan argues that "not allowing the roof to be replaced in order to install the panels is tantamount to denying their installation."

Duncan actually supports the city's rules around slate roofs. Calling them "inherently sustainable," he points out that they are aesthetically attractive, made from locally-sourced materials, and, with proper maintenance, can last 100 years. But the solar question poses a precedent conflict that has yet to be resolved — and, Duncan says, seems bound to come up again in the future.

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Where does this stuff come from?

A.) you can buy slate shingles right now, today, this minute from several suppliers. There is nothing freaking historic about them.

B.) "The homeowners say that mounting the panels on a metal roof would be easier and less costly than drilling into slate."

The homeowners are out of their trees. drilling a few holes through a thick piece of stone is cheaper by a huge amount compared to ripping them off and putting on a new standing seam roof. This had to have come from whoever gave them the quote on the roof, but its outright absurd.

C.) Why does the City think they have the authority to dictate what type of roof someone has and why is the public so content to let the City authorize every tiny aspect of their lives? Ridiculous.

POSTED BY: JCARTER | APRIL 27, 2011 AT 01:12 PM

The slate fractures easily, so drilling through it isn't a problem, it is minimizing the damage to the integrity of the slate pieces.

POSTED BY: EMUELLER | APRIL 27, 2011 AT 01:28 PM

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I've drilled through slate 100 times without issue. It isn't rocket science and it isn't anything an experienced contractor should have an issue with. Besides, the fact that it fractures easily isn't associated with cost as was the quote.

POSTED BY: JCARTER | APRIL 27, 2011 AT 01:34 PM

I am truly at a loss to understand this bizarre "preservation" against "sustainability" competition! There is literally nothing more sustainable than historic preservation and the two coexist swimmingly in the real world.

Now, in the world of anti-regulation, private property rights vs. public good, slumlord profits over everything else and unrealistic sales pitches and overstated "environmental" claims, yes there is some disagreement. And despite run on sentences I am shocked and disappointed in the pathetic and slanted view of a newspaper that at one time presented a real and fully alternative voice.

I guess Burlington can claim their own "NY Post" in the new 7 Days.

Glad it's free and I won't be shopping with their advertisers.

POSTED BY: RON WANAMAKER | APRIL 27, 2011 AT 07:16 PM

Ron, I've got to take issue with your characterization. There is nothing sensational of Murdoch-esque about reporting on an important debate going on in Burlington (even if only in the blogosphere.) This zoning application illustrates the inherent conflict between two things Burlingtonians care deeply about: preserving our historic resources for generations to come and providing sustainable, renewable power for our homes and businesses. Usually, these two priorities don't clash. Sometimes they do. They did in this case because a homeowner wants to remove slate that's perfectly functional in order to make installing solar panels easier and cheaper. I'm not sure how that is slanted or biased. Those are just the facts. It's understood that historic materials can be more efficient and sustainable. In fact, Bob Duncan, makes that exact point in the last graf of this post. The question he raises is whether zoning regs -- in Burlington or any other town, for that matter -- could have the effect of pre-empting Vermont's clothesline rule. And that question, from what I can tell, has yet to be tested.

POSTED BY: ANDY BROMAGE | APRIL 28, 2011 AT 08:07 AM

If I were Bob and Orly, I would have went with affixing the solar panels onto the slate roof rather than going through all of that just to save on the renovation project. I mean, if Emueller and JCarter there didn't have any problems with drilling through their slate roof, then I guess Bob and Orly wouldn't either. Plus, preserving the roof is important since it's like preserving the history of Burlington.

POSTED BY: GALLIENA GORNET | MAY 01, 2011 AT 10:57 PM

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