

HISTORIC AREA COMMISSION
New Castle Town Hall
2nd and Delaware Streets
September 18, 2014

Present: Sally Monigle, Chairperson
David Bird**
Leila Hamroun
Mike Quaranta

Absent: Bill Hentkowski

Also Present: Jeff Bergstrom, Building Inspector
Daniel Losco, City Solicitor

** Joined meeting at 5:50 p.m.

** Departed meeting at 6:50 p.m.

Ms. Monigle called the meeting to order at 5:15 p.m. Roll call followed.

Administrative Matter – HAC members discussed changing the day and time for monthly meetings. Purpose of the change is to better accommodate commissioners' schedules. No objections were received from the audience. Beginning with the October 2014 meeting, HAC meetings will be conducted on the second Thursday at 6:30 p.m.

OLD APPLICATION

A. Boland, 122 Delaware Street

Resolution of design of small roof over restaurant front door.

Continued from last month's meeting. Owner was to return with drawing of new plan.

Discussion: Tenants presented pictures of options to HAC. They are trying to cut costs and continue to use what is already in place rather than remove the entire structure. They have indicated what they have constructed allows customers to keep dry from inclement weather when entering the restaurant. Ms. Hamroun informed they can keep the depth, but without the peaked line. She offered her assistance with regards to materials and aesthetics while addressing the water issues.

Action: The application is continued to next meeting.

C. Anzoldo, 207 Chestnut Street

Returning to discuss color of metal roof.

Discussion: Owner not present but requests that HAC revisit the color. Mr. Quaranta reminded that HAC suggested that Colonial red be used, but did not condition the application. Ms. Hamroun said while HAC expressed its "strong sentiment" to using Colonial red, the applicant has expressed a desire to discuss further. She welcomes further dialogue at the applicant's pleasure. Dorsey Fiske said that HAC guidelines does have the power to dictate color but have historically chosen not to do so. Ms. Hamroun will research the HAC guidelines and report to fellow commissioners. No further action is needed from HAC.

M. McKinnon, 311 Delaware Street

Returning with additional information on carriage house.

Discussion: Applicants not present. Richard R. Cooch, 16 East Third Street, owner of the property whose rear garden is adjacent to the brick stable in question, presented. He has engaged the services of Gary W. Gredell to do a preliminary report on the structural stability of the brick stable at 311 Delaware Street. Mr. Gredell is a structural engineer with much experience in historic preservation.

Mr. Cooch questioned the application being identified as an “old application” considering it was denied by HAC at its 6/20/13 meeting when the applicants requested demolition of the brick stable.

The applicants sent a letter to the City in early September 2014 requesting a hearing on their application and included two reports from their structural engineer, Bjorn Haglid. Working with Mr. Bergstrom, Mr. Cooch arranged for Mr. Gredell to inspect the property on 9/15/14. He believes Mr. Gredell has more historic preservation experience than Mr. Haglid. Mr. Cooch is appreciative of the McKinnon’s willingness to preserve the house. The stable is the last surviving 19th century brick stable in the historic district and has historic importance.

HAC guidelines state the importance of retaining and preserving surviving out buildings as being important to maintaining the rich variety and building styles found in the historic area. Until now it has not been necessary to examine whether the brick stable needs to be torn down or maintained. Mr. Cooch does not believe the applicants want to maintain the structure.

Mr. Gredell reported his findings. The brick masonry is in reasonably good condition, the roof is bad, shingling has been let go, and the rafters have suffered from moisture deterioration. The structure needs maintenance, i.e., masonry walls need to be repointed, roof framing needs to be repaired, and it needs to be re-shingled.

Ms. Hamroun provided her assessment of the application. She was not with HAC when the application seeking demolition of the structure and replacing it with something else was discussed. The present application requests the structure be razed due to a life safety hazard. Life safety hazards are the jurisdiction of the City Building Department. She added there are different ways to demolish the building salvaging as much of the materials as possible. She does not see much difference in Mr. Gredell’s report versus Mr. Haglid’s report. Mr. Haglid’s report reads the structure is “unsafe and could cause damage to neighboring properties if it collapses. The roof will most likely fail in the next couple of years and trigger a chain of events.” Mr. Bergstrom confirmed that no demolition permit has been submitted. Ms. Hamroun does not see the application as an action item at this time.

Mr. Quaranta referenced Mr. Haglid’s second report (7/14/14) citing the condition of the structure and that the building is unsafe due to the overall height and can cause damage to neighboring properties if it collapses. Mr. Gredell was asked to comment. He could not say

what would happen if the structure collapsed, but the idea would be to fix it before that might happen. Mr. Gredell's report was based on his walk through of the structure.

Ms. Monigle said the applicants are not interested in restoring the structure and would be willing to leave the City if they cannot continue with a plan suitable to them.

Mr. Bird asked Mr. Bergstrom to inform what the City's process is if a building is determined to be in a state of disrepair and needs to be maintained. He said it is cited under the housing code and it could be considered demolition by neglect. The City can get involved but the process is driven by the circumstances involved. Mr. Losco informed that notice is given to the property owner giving them the opportunity to repair or demolish, if the building official determines that is the remedy. They are given 30 days to make repairs. If they do not make the repairs, there are fines assessed. If repairs are not completed within one year the Code refers to a rebuttable presumption that it is irreparable and should be demolished. It is not the final say in the matter. Whether the decision is to repair or demolish, City Council could determine whether to allocate the resources to remediate, lien the property, and seek to recover its funds via the execution process in Superior Court.

Mr. Bird commented the applicants can let the structure sit and further deteriorate. Mr. Losco cited the two reports from professional engineers, one stating the structure is not in imminent danger of collapse and the other stating it is a couple of years away. He suspects the City may need to do an independent evaluation to evaluate the structure for any building code violations.

No plans have been submitted by the applicant that incorporates the structure with the house. The only issue before the HAC at this time is for demolition.

Mr. Gredell said his preliminary report does not address when the wall might collapse. He did a walk through of the structure before preparing his report while Mr. Haglid has spent more time in the structure. He maintains that if everything noted is repaired that the structure can be saved.

Ms. Hamroun said it would be helpful to look at ways to integrate the structure and seek compromise. HAC is willing to discuss options, but we don't know what those options might be at this time. She would be agreeable to doing some selective demolition while incorporating parts of the current structure. She did not see anything in the information provided to HAC at the meeting that labeled the structure as an immediate life safety hazard.

Former HAC member Dorsey Fiske said that HAC did make proposals to make the structure a one-car garage, but the applicants wanted a two-car garage.

While serving on HAC in 2013, Tom McDowell looked at the structure and the east wall is plumb. The rear wall is out of plumb. He presented a proposal for a timber-frame structure to support the roof and expand the building into a two-car garage. He saved

approximately 60% of the existing materials. He gave the McKinnon's a copy of the proposal.

An application to demolish the structure was heard and denied at HAC's 6/20/13 meeting and the application before HAC tonight has been submitted only with an engineering report suggesting the structure is unsafe and that is a reason to grant permission to demolish the structure. Mr. Losco suggested treating the application as a motion to reconsider based on new information (engineering reports).

The application to demolish was continued in May 2014. No further action has taken place and no plans informing what the McKinnon's want to put in the structure's place have been received. Ms. Hamroun said the applicant is specifically asking that the building be considered unsafe which is beyond the purview of HAC. HAC can provide guidance with demolition in order to salvage as much as possible.

HAC continued the application and a final decision must now be rendered. The only request before HAC is for permission to demolish. Mr. Losco advised that HAC should not fail to make a decision on the application. The applicants' request to the City would be considered separate from the HAC application.

Ms. Hamroun feels it is important to show that HAC wants to work with the applicants to find a common solution. She is sympathetic to the wants and needs of the applicants.

Mr. Quaranta thinks a more thorough independent review of the structure would be helpful. Mr. Losco cautioned that it is not HAC's role to determine whether the structure is safe or not. Safety is the building official's responsibility. HAC's role is to determine whether the structure is of enough historic value that it should not be demolished. The continued application requested additional information. The application before HAC tonight is accompanied by an engineering report supporting demolition for a condition that HAC would not be involved with. HAC requested to know what the applicants want to build in the current structure's place and how much of the structure can be incorporated. To date nothing has been received.

Mr. Losco informed that the building official is required by Code to inform and consult HAC when a property is proposed for demolition and is located in the historic area. If HAC does not believe this is the continued hearing that was agreed to in May 2014, but rather Mr. Bergstrom bringing a matter to HAC in his capacity as building official, HAC can provide input but not treat it as a final decision on the continued hearing in May 2014. Mr. Losco cautioned HAC to make decisions within 60 days of the application unless there is mutual consent of the applicant to an extension. A letter will be sent to the applicants requesting whatever additional materials they have for consideration in the next 30 days to conclude the matter.

Action: Mr. Quaranta made a motion to table the application as submitted until the next meeting. Mr. Quaranta said no decision can be made on this application until we know what the applicants are planning (build nothing, build a structure, what will the structure look like). HAC made this clear to the applicants at the last meeting they attended. He would like to communicate to the applicants via letter that we need more

information on their plans in order to make a decision. **Mr. Bird seconded.** Mr. Losco recommended amending the motion to include a deadline to supply whatever additional materials they have concerning their plans for repair or replacement or HAC will decide on the application based on what information they have before them. Mr. Bird made an additional amendment to the motion to include the entire property to the motion to see how the McKinnon's plan on incorporating the shed in the overall property as they did with a previous application. Both amendments were included in the main motion.

Mr. Bird seconded the motion as amended.

(Mr. Quaranta will draft a letter for review by fellow commissioners and Mr. Losco.)

Disposition: Motion approved by a vote of 4-0.

Additional Discussion: Some residents voiced their concern with the applicants' comments to potentially leave the property or do nothing and allow the structure to deteriorate. One resident asked if HAC would consider meeting with the McKinnon's aside from this meeting. Open meeting laws prevents HAC as a group from doing this.

Ms. Hamroun said that HAC plays specific roles for transparency and accountability for everyone and understands some applicants have constraints and personal needs and tries to work with applicants to find resolutions acceptable to all parties. At the May 2014 meeting HAC expressed its desire to have more conversation with the applicants. If the applicants want more input from HAC to clarify and/or help to give direction, one-on-one meetings with HAC members is acceptable as long as the result of the conversation is brought before the whole body in this meeting. Communication, consultation and discussion is a way to get to a resolution. Leaving the application open might trigger different approaches and actions.

NEW APPLICATIONS

J. Sullivan, 30 West 4th Street

Kitchen remodel – remove 2 double hung windows and fill and stucco. Replace casement window with double hung window. Replace rear facing double hung windows with 6 over 6 double hung windows. Replace siding with stucco, 2nd floor to roof. Move A/C unit from side of house into utility area near front of house A/C unit. Close in crawl space access. Discussion: Applicant described work to be done and presented aerial and design plans. Wood materials will be used.

Action: Ms. Hamroun made a motion to approve the application as submitted. Mr. Quaranta seconded.

Disposition: Motion approved by a vote of 3-0.

City of New Castle, 220 Delaware Street

New accessible ramp and railing.

Discussion: The ramp is an ADA accessible ramp in front of the City administration building. Mr. Bergstrom encouraged the HAC architect to approve cut sheets for the new railing. Ms. Hamroun agreed.

Action: Ms. Hamroun made a motion to approve the application as submitted subject to the approval of the selection of the railing by the HAC architect. Mr. Quaranta seconded.

Disposition: Motion approved by a vote of 3-0.

R. Spencer, 114 East 2nd Street

Partially demolish 2 wings on garden shed.

Discussion: Contractors presented.

Action: Mr. Quaranta made a motion to approve the application as submitted.

Ms. Hamroun seconded.

Disposition: Motion approved by a vote of 3-0.

EMERGENCY REPAIRS

J. Wik, 115, 117, 121 West 4th Street

Re-roof 3 units and replace in kind 10'X12' wood roof top decks.

Discussion: Per Mr. Bergstrom the existing decks need to be removed to do the roof work.

The decks are not salvageable.

Action: Ms. Hamroun made a motion to approve the application as submitted.

Mr. Quaranta seconded.

Disposition: Motion approved by a vote of 3-0.

Adjournment -- There being no further business to address, the meeting was adjourned at 7 p.m.