HISTORIC AREA REVIEW COMMITTEE
New Castle Town Hall
2nd and Delaware Streets
February 23, 2015

Members Present: Leila Hamroun, Facilitator
Mike Connolly
Joseph Day
Doug Lovett
Jim Meek

Also Present: Debbie Turner, Stenographer

The meeting convened at 6:08 p.m. The committee was joined by several residents.

Public Discussion -- David Robinson, City resident, asked if the committee has addressed the intent and purpose of the guidelines. He was involved with establishing the original (and current) guidelines and believes improvement is needed. Ms. Hamroun said the group plans to fine tune what the guidelines are meant to do and will try to make them as clean and pointed as possible. They have clarified the scope and purpose in an attempt to make the process smoother.

The group is working on developing a streamlining process rather than everything coming to HAC for review and vote. A tier system is being considered whereby buildings would be identified (ex.-key building, contributing, non-contributing building) and a process attached to that particular structure and the work being proposed. This matrix would be used to ensure consistency. Process would also include in-kind work, alternative materials, whether work is visible from the public right-of-way, and who should look at it. A 'key building' is a building that has a unique significance such as a national historic landmark (George Read House, New Castle Court House). An inventory of buildings (case by case) must be updated to ensure the correct tier is identified. Hierarchy of significance (primary, secondary and tertiary) of buildings should be part of the process. Hierarchy is not based just on the age of a building, but also includes its overall character, relationship with streetscape, integrity, and finishes.

In-kind repair of something that was inappropriate initially – Ms. Hamroun would consider if the repair is a small area and not visible from the right-of-way. Mr. Day thinks any kind of in-kind of repair should be permitted. A repair is identified as something small. Defining what constitutes a replacement and what is in-kind, the consensus was to consider 20%-25% of work to be done to be the deciding factor. For something that cannot be repaired and will be replaced, photos could be acceptable.

An application review could be done by a staff person or the City Building Department to make sure it is complete or requires additional information and/or support documentation. Applications will be required a minimum of seven (7) days in advance to allow time to properly review same.

The role of the architect was discussed; whether that person should serve in a consulting capacity only or be permitted to vote on applications.

Compliance and Non-Compliance -- Non-compliant actions could include a stop work order or fines. The current ordinance calls for HAC to perform inspections, but some think inspections should be done at the City level. Mr. Day favors seeing the finished product to see whether it is appropriate or not, particularly for new construction. Staff could document with photographs. Mr. Day asked if the City Building Official has the power to withhold a certificate of occupancy (CO) if the work is not compliant and consequences for non-compliance. Ms. Hamroun thinks a CO could be held up if non-compliance of a building permit is determined. She noted that HAC is not mandated with doing inspections. More discussion about code enforcement and violations followed. Mr. Day does not think that HAC should be charged with enforcement. If no historic certificate is secured to do work or someone receives a building permit but does not follow the permit, both are violations and should go through the City's violation of Code process. Ms. Hamroun will be meeting with the City Solicitor to point out these issues and get an understanding of HAC's role as it relates to enforcement. Additionally, she will discuss current language and how to strengthen that language.

An appeal process (Board of Adjustment) is in place for residents who disagree with a HAC decision. The committee will look at making the appeal process less cumbersome. The group may consider including a timeline.

HAC composition – Currently there are five (5) members. Discussion points included whether the architect member should have a vote or simply be a consulting member, whether to have a de facto member of the New Castle Historical Society (NCHS) on HAC and who appoints members. Mr. Meek does not have any problem with someone from the NCHS sitting on HAC and no problem if they are not a city resident. Mr. Connelly said the ordinance calls for a member of the NCHS to be on HAC. Ms. Hamroun strongly suggested having a registered architect on the Board that has expertise and knows the language. It is not necessary to belong to the American Institute of Architects. Architects must be licensed with the state. The group agreed on a registered architect and recommended the architect member remains a voting member. It is noted that if the architect member were to become a non-voting member, then another person would need to be appointed.

Term limits and staggered terms we raised. Currently HAC members serve three-year terms and are staggered. After discussion the committee agreed to retain three-year terms with a limit of two consecutive terms. Members can be reappointed after a one-year absence. The architect member is paid by the City and serves at the pleasure of City Council and is reviewed on a yearly basis. If the committee wants to apply a term limit to the architect member, it should make a recommendation to City Council.

A resident does not feel that HAC should have the ability to change what has already been approved by HAC. He cautioned that HAC should not be able to order work to be redone once other work and supporting drawings has been approved. He spoke from personal experience and does not support HAC reviewing work.

Financial hardships and hardship variances were discussed. A resident said limited resources are reasons why many houses suffer. Ms. Hamroun stated that larger cities usually have a hardship allowance. The City of New Castle is not a large city. When establishing a financial hardship a person needs to establish that hardship in a public setting. The group did not support allowing for financial hardship or hardship variance.

Alternative materials – There are certain alternative materials that will be looked at for possible inclusion in the guidelines. Ms. Hamroun said there will be cases where alternative materials will not be acceptable, i.e., public right-of-way, certain elevations. Josephine Moore, City resident, asked why color of exterior paint is not regulated in the historic district. Ms. Hamroun said it is part of the guidelines to be discussed further with this group. She suggests that alternate materials are not appropriate for elevations that are visible from the public right-of-way. She believes in keeping as much of the feeling, fabric and texture by using original materials. Mr. Day thinks there are places where it is smart to use alternate materials. Ms. Hamroun noted that not all high quality alternate materials are less expensive. The group needs to find a balance while keeping the integrity of fabric.

The subject of notification by realtors that someone is buying in an historic district was discussed. There were claims from some in the audience that some realtors are not verbally providing this information to buyers. Marianne Caven, City resident and real estate agent, informed that homes in the historic district that she has listed include information about the HAC. There is also State-mandated disclosure language included in documents raised during legal proceedings.

Guidelines – Roofing, cladding, doors, windows, streetscape, sidewalks, fences, porches, masonry, stucco, paving, barrier-free access, and new construction. Each section will be stand alone with definitions and the process to follow for type of building (key, contributing, non-contributing). Submittal requirements will be provided for each section. Alternate materials will also be included in each section. If they are appropriate, what is needed to demonstrate when proposing use of them. Mr. Meek was concerned that asphalt roofing is not shown for key buildings given fire considerations and expense. Ms. Hamroun is aware there have been exceptions to using asphalt, but favors in-kind replacement. There are a lot of fire-retardant roofing products on the market today. Wood roofing is distinct and looks good as it ages, thus giving more value, particularly in more visible areas. Mr. Connelly agrees with Mr. Meek, but understands putting certain key buildings at a higher level. Mr. Day said there are alternative materials on some key buildings in the City that have lasted and reduced overall maintenance costs.

Mr. Connelly suggested raising awareness that the City has a lot of archeological resources. The NCHS has contacts and can be helpful. Excavation work associated with new construction could be impacted. Ms. Hamroun will do some research.

Other subjects discussed included exterior masonry (mortar or brick samples), shutters (composite versus wood; fixed versus adjustable/operable), hardware for doors and

shutters, windows, and storm windows (full view versus divided), acceptable materials for driveways and grandfathering of visible off-street parking, and garden sheds. Ms. Caven raised concern with flooding problems related to new parking areas and redoing current parking areas. Wood fences (painted or stained)—Mr. Lovett thinks unfinished is fine in the rear, but should be painted in the front yard.

If HAC is charged with doing observations/inspections, Mr. Day suggested ensuring they get right of entry. Demolition by neglect–the City has a mechanism in place in the Property Maintenance Code.

Ms. Caven thanked the group for the work they are doing. She found the meeting informative and said that HAC is beneficial and the City has what it has because of HAC's due diligence. It is her opinion that residents understand when they buy into the historic district and value investments in their homes.

The meeting adjourned at 9:10 p.m.