

HISTORIC AREA COMMISSION
New Castle Town Hall
2nd and Delaware Streets
October 12, 2017

Present: Laura Fontana, Chairperson
David Baldini
Lynn Briggs
Jean Norvell

Absent: Marty Wright

Also Present: Leila Hamroun, Architectural Consultant
Jeff Bergstrom, City Building Inspector
Daniel Losco, City Solicitor

(There were no meetings in August and September 2017)

The meeting was convened at 6:30 p.m. Roll call followed. A quorum was declared.

Approval of Minutes –A motion was made and seconded to approve the minutes of the 7/13/17 meeting. Motion was approved.

OLD APPLICATIONS

155 East Second Street, Review of porch setback relative to second front yard property line, placement of A/C units; fence replacement; review of siding; review of exterior colors.

Discussion: Applicants Mark and Erin Chaump were present.

Review of exterior colors – HAC does not have a preference concerning exterior colors.

Review of siding – Mrs. Chaump said they originally considered a composite, engineered wood siding, but will use wood siding. Ms. Hamroun indicated that if confirmed, the use of wood siding can be reviewed as a Tier I review meaning this portion of the application does not need to come before HAC.

Fence placement and A/C unit – Mrs. Chaump stated they are looking to place the A/C unit on side of their house to lessen noise on the neighbor's (Ruf) property. They are seeking to pull the fence forward to block visibility of the A/C unit from the front of the house. Mr. Chaump explained that by putting the A/C unit on the back of their house it is visible from the open property behind their property. If they put the unit towards the front it is more beneficial for the applicants as it relates to heating and cooling their house. Ms. Hamroun said ideally the best position would be to put the fence at the point just behind the original fence where the addition begins and conceal the A/C unit. Mr. Chaump said there are no windows on the side towards the front of their house or their neighbor's house. Mr. Baldini asked how far into the alley will the A/C unit be situated. Looking at a plan, the Chaump's explained the trash can would be in front of the A/C unit. Mr. Baldini asked about the noise level of the A/C unit. Ms. Fontana said the noise will carry whether it is on the side or the back. Mr. Chaump prefers not having the unit at the rear near their patio; however, they will abide by the opinion of the HAC. Ms. Fontana noted there are limited places that residents can put A/C units when alleyways and back yards are involved. She added that residents recognize this and work through it.

Ms. Hamroun recommends placement of the A/C unit to be beyond the footprint of the original building that remains and the back of their house. Ms. Fontana asked where the current fence is located.

Mr. Chaump said it comes past the three windows on the side (looking at plan). The fence is set back further than others in the area. He added the neighbor's A/C unit is located about where they would place their A/C unit.

Review of porch setback relative to second front yard property line – Mr. Chaump said they have spoken to City Solicitor Dan Losco and agreed to allow the City to determine whether the 20 ft. alleyway is an alley, street or backyard before having the HAC review this issue. Ms. Fontana concurred that HAC cannot make the decision on whether it is an alleyway, a street, or if it is a backyard. Solicitor Losco will work through those documents and once it has been defined then HAC will address the setback issue. Mr. Chaump clarified they were not asking HAC to make the determination of street versus alley. He said that during their Board of Adjustment hearing a point was made that the HAC did not consider the possibility if it was a street when they originally granted approval. HAC will need to review it again. If it is a street it would be under the purview of HAC since the HAC has authority to review front setbacks.

For the record, Ms. Hamroun said that if the alley is considered a front street there would have been a different discussion about appropriateness of the whole structure, the materials and finishes. If it is a front street for the purposes of setback then it becomes a front street for the purposes of public right of way review, and for purposes of all the materials to be used, and the scale, finishes, and appropriateness of an enclosed porch. This is not relevant to today's discussion. Ms. Hamroun reiterated that treating the rear elevation as a street façade changes the review parameters for a larger range of issues.

Solicitor Dan Losco noted there is a provision in the City Code that says that once an application has been submitted to the HAC they have 60 days to render a decision. If the HAC is passing on the issue of setting a second front setback because the HAC doesn't have the authority to determine whether that 20 ft. strip of land is a street or an alleyway, which is a correct assessment, he invited the Chaump's to meet with himself, the City Administrator and the City Building Inspector to review whatever information has been researched and learned about that street. Mr. Losco wants to allow appropriate time for appropriate dialogue and research that may be required. Mr. Losco asked if the Chaump's would withdraw that portion of their application formally at this time, without prejudice to bring it again, or waive the 60 days limitation on record in the event the process should take longer than 60 days. Solicitor Losco would like to have full information before any decision is made. Mr. Chaump formally withdrew that portion of the application at this time.

Ms. Fontana reiterated the HAC is removing the discussion of porch setback relative to a second property line and applicants will work with the parties Solicitor Losco mentioned.

Bernadette Ruf, neighbor – Ms. Ruf referenced HAC notes saying the Chaump's indicated they had talked with neighbors. She disagreed with the statement saying that did not

happen until the Monday before the Board of Adjustment meeting. Further, Ms. Ruf is unclear on where the A/C units will be situated. She was informed they would be placed on the side of the house. Ms. Ruf has an indent for her A/C unit, but is fine with the placement proposed by the Chaumps. She does not know what type of fence is being planned or its height. Mr. Chaump said the fence would be in kind noting the gate would be the issue. Ms. Ruf disputed the fence being in kind because her fence is clear and can be seen from the street. Ms. Hamroun said once the applicants decide what they want to do with the fence they would need to discuss it with the City and Ms. Hamroun. Ms. Ruf said this application was not noticed in the paper and they learned about it from the posting at the City Office. She did not attend earlier HAC meetings because she did not think she needed to. She strongly recommended that neighbors be notified considering the contentious nature of this application. She has seen three different plans; one from February where the Chaump house was in line with the Colborn's, another plan in March, and what she is seeing from her house at present that does not match the plans the HAC is looking at now. She does not know what has been approved and expressed concern.

Mrs. Chaump responded to Ms. Ruf's statement that they had talked with neighbors. She went on record saying the neighbors were supportive with their plans. Each time Mrs. Chaump saw Ms. Ruf or Mr. Colburn they would ask "how's it going" to which Mrs. Chaump responded "another month with HAC." She stated these neighbors encouraged her to "stick with it." Mrs. Chaump said she never lied about the project having three stories or three porches. As for dimensions, the Chaump's could not provide dimensions because there were two drawings involved and they (Chaump's) were unsure what the dimensions would be. She apologized about her comment that the neighbors were supportive saying that is how she felt. Mrs. Chaump was bothered to hear that another neighbor said they had not met her and her husband until the day before their hearing before the HAC. She said that was not correct and that she and Mr. Chaump had spoken to that particular neighbor numerous times.

Ms. Fontana informed that what has been approved in the past are posted in the minutes and available online on the City of New Castle's website. Those minutes indicate exactly what has been approved by the HAC.

Josiah Wolcott, Esq. representing the Colburn's who reside at 153 East Second Street, requested that he and the Colburn's be involved with discussions concerning whether it is a street or an alley. He is willing to submit a letter, if necessary. Solicitor Losco will speak with Mr. Wolcott after this meeting.

Ms. Ruf asked about verification on what is actually being built at this time. Ms. Fontana informed they do not have the full file at this meeting. Ms. Hamroun stated there was a first design followed by attempts to modify it reducing the footprint; ultimately HAC approved the original larger footprint that is being constructed. What is deceptive is the rendering that is not correct. The rear porch, if constructed, actually extends further beyond the adjacent property and would be significantly more advanced than what is shown in the rendering. This was noticed when the applicants first came before the HAC. The original rendering is incorrect and should not be used. He provided this to the Ruf's as well.

Ms. Fontana made a motion that the HAC approves placement of the A/C units behind the current fence line and anywhere after the current fence and behind the two windows going back to the Chaump's property line. Ms. Norvell seconded the motion. The motion was approved for a vote of 4-0.

Siding – The applicants will provide information about the wood siding they want to use to Mr. Bergstrom. The Chaump's said they had submitted a sample of Hardy plank to the City; however, Mr. Bergstrom has not seen the sample. A discussion about Hardy plank followed. Hardy plank is an engineered wood. Ms. Hamroun explained if it is determined to be a front then it changes parameters on entertaining engineered wood. In the historic district a front street requires all materials would have to be appropriate, meaning actual wood is to be used. Furthermore, the original application approved by HAC notes wood siding on the drawings. Siding will be resolved once additional information is provided to Mr. Bergstrom.

Ms. Fontana reiterated the applicant's withdrawal of the portion relative to porch setback relative to the Second Street property line until final review. Mr. Chaump reiterated that removal is without prejudice.

Ms. Fontana noted the other two agenda items were resolved under Tier I review.

Adjournment -- There being no further business to address, the meeting was adjourned at 7:05 p.m.

Debbie Turner
Stenographer