

HISTORIC AREA COMMISSION
New Castle Town Hall
2nd and Delaware Streets
April 18, 2018

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

Also Present: Leila Hamroun, Architectural Consultant

The meeting was convened at 6:40 p.m. Roll call followed. A quorum was declared.

Approval of Minutes –A motion was made and seconded to approve the minutes of the 2/8/18 meeting as amended. Motion was approved.

Ms. Laura Fontana advised that the only two applications to be discussed at the meeting were Tax parcel 21-015.30-194 and 57 The Strand. All other applications were taken care of through the Building Department and our Architect as Tier Ones. She stated the Agenda would be changed to start with the New Application first and asked that the Applicant from 57 The Strand come forward.

NEW APPLICATIONS

57 The Strand

Install 2nd Story Deck.

Robert Rossitor and Jeff Schmidt stated their names for the Record.

Discussion: Applicant Rob Rossitor is seeking to install a second floor deck above a brick patio in place of an awning, and to add a door in a second floor room to access the deck. Ms. Fontana explained that specific supporting documentation is required to accompany all Applications so the Commission can properly review and make an assessment of a request. She noted that some components of the required documentation on page 130 of the Guidelines were missing from Mr. Rossitor's Application and requested that the additional information be supplied so the Application could be reviewed. Ms. Fontana asked for a Motion to accept that the Board requires additional information and the Applicant can come forth in 30 days.

A Motion that the Application as presented be declined was made.

Mr. Rossitor asked for clarification that the plans as submitted were insufficient.

Ms. Hamroun explained that some of the missing documentation included the relationship between the adjacent properties and buildings, elevations showing the adjacent properties, photographs showing the relationship, a site plan showing setback and property lines, as well as more detail on the drawings and detail on the railing. She offered her and Mr. Baldini's services to answer any questions about documentation that was needed.

Mr. Rossitor expressed his disappointment that the process was not explained before the present meeting. Ms. Hamroun noted that the Application was dated March 9th, and that no

meeting had been held prior to that date and the current meeting. Mr. Baldini added that the Guidelines dated June 2016 are available on the City website under the Historical Commission.

Ms. Fontana asked for a Second to the Motion on the floor. The Motion was seconded. The Motion was passed unanimously.

OLD APPLICATIONS

Tax Parcel 21-015.30-194, also known as the “Bowling Alley Parcel”, Proposed Parking Lot in Historic Zone.

Mr. Roger Clarke requested that Mr. David Baldini and Ms. Jean Norvell recuse themselves from voting at the current meeting or any subsequent meeting on this matter due to bias and a conflict of interest. He noted that Mr. David Baldini has publicly stated he is in favor of the parking lot, he is a member of the Planning Commission and has voted for the matter; and Ms. Jean Norvell has put her business up for sale advertising a 50-car parking lot behind the building. Mr. Baldini responded that he voted for recommendations that the issue go forward to the Historic Area Commission and the Board of Adjustment. Ms. Norvell responded that she does not own a business, that the business is owned by her daughter, and that she has not run any ad.

Ms Fontana explained that the Planning Commission voted on the process to move the issue along to the Historic Area Commission (HAC), and the role of HAC is to review the Application and make a determination if the issue will move on to the Board of Adjustments. The Board of Adjustments makes the final determination as to whether the Application is approved or not. She added that the voting done at the Planning Commission was in regard to the process.

Mr. Clarke had a question regarding page 72 of the Guidelines. Ms. Fontana advised that after the Applicant makes their presentation and comments are taken, the Board will address some of the issues in regards to page 72.

Mr. Andrew Taylor, Esquire, legal counsel for the Trustees of the New Castle Common (Trustees), owners of the ground known as the Bowling Alley on Third Street, presented. The Trustees are seeking special exception for the construction of a parking lot, and are presenting a revised Application for approval. At the February Meeting, the Board made recommendations for revisions that have been incorporated into the Plan addressing parking lot materials, retaining wall, fence, surface materials and lighting.

Mr. Andrew Hayes, professional engineer from Foresight Engineering, presented the revisions to the Plan. Mr. Hayes briefly reviewed the Plan that was previously presented and the discussions from the February Meeting. The Plan is for 43 parking spaces. After discussions with Ms. Hamroun and Mr. Baldini, a revised Site Plan was prepared that addresses the concerns noted.

Mr. Hayes said the most notable change was to the layout of the lot, which was revised to eliminate the drive isle and drive-thru spaces. He pointed out that the lot still has

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circulation around a cul-de-sac feature, provides easy and safe access to and from the parking lot, and eliminates dead-end parking. The retaining wall and fence were eliminated and a landscape buffer between the adjoining property and the parking lot is now being proposed. This change facilitates some grading modifications to ease the slopes within the parking lot. Proposed material changes include making the ADA spaces concrete, with the remainder of the 39 spaces being a brick parking surface in a herringbone pattern with a concrete edging between the brick and the blacktop isle ways. The island itself will accommodate three overflow parking spaces utilizing a reinforced turf product. The entry to the lot is now proposed to be a brick material with granite edging.

The new landscape feature is planned to be evergreen, but input from the City and Planning Commission will be sought. Trees and additional plantings will provide screening of the lot from West Third Street. Accent plants and general landscape aesthetics remain the same as the previous Plan.

Mr. Hayes went on to discuss lighting, which will be revised to move some of the lights to accommodate the revised design. Shielding to prevent light from spilling backward into resident yards remains the same, as does the reinforced turf in the area going into the park. Mr. Hayes addressed the composition of the cul-de-sac feature, noting that he had discussions with two manufacturers of reinforced turf. He advised that if snow is to be removed from the overflow parking spaces, shoveling was recommended over plowing; however, it was envisioned that the overflow spaces would not be plowed, allowing a space for snow plowed from the parking lot to be placed. Mr. Hayes also noted that the use of blacktop was significantly reduced in the new plan, in accordance with the letter received from the Board. Mr. Hayes also noted that the use of blacktop had been reduced significantly. Mr. Hayes will continue to work closely with Ms. Hamroun and Mr. Baldini as the project moves toward construction to ensure all technical details are resolved.

Ms. Fontana asked if Mr. Hayes had a representation of the brickwork, Mr. Hayes advised it was the standard herringbone pattern that is used along the sidewalks in New Castle and the same pattern that will be used at the entrance. He proposed that the actual spaces would be marked by using a contrasting color within the herringbone pattern. He did note that the spaces might not be exactly 9' x 20'.

Ms. Fontana asked if the material proposed for use on the overflow parking spaces was the same material as the walkway to the park. Mr. Hayes advised that for the overflow parking the manufacturer suggested by Ms. Hamroun suggested a material that he thought would be a good choice. For the entry down into the park, a roll product is being proposed that has been used successfully at multiple sites.

Mr. Wright expressed his concern that the revised Plan still has asphalt as the primary surface for the isle ways, and that the Guidelines say "no asphalt", not "partial asphalt". Mr. Hayes noted that in reading the Guidelines, he believed it says to "minimize the use of asphalt" and that asphalt is acceptable for Code mandated areas. The main reason for using asphalt is simply durability and longevity for traffic. It also works very well as an ADA surface. Mr. Wright confirmed that the pathway is concrete for ADA compliance, and asked

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why concrete was not appropriate for other areas. Mr. Hayes advised that in discussions with Ms. Hamroun and Mr. Baldini concrete was considered the same as blacktop in the eyes of the HAC, and that it is believed the blacktop surface itself will provide less cracking, less joint problems and less differential settlement over concrete.

Mr. Wright asked Mr. Hayes to speak in further detail about the base of the brickwork. Mr. Hayes said he, Ms. Hamroun and Mr. Baldini had a discussion and that they would work through any issues of suitability of certain types of brick, and whether it needed to be a concrete-type product that was similar to the brick product. The bricks would be set on either a blacktop base or a concrete slab, depending on recommendations from the manufacturer. Mr. Wright stated that rationale for any surface in the historic area is permeability, and a concrete base will not be permeable. Mr. Hayes advised that the site itself has a wide variety of fill materials, and explained why, for technical reasons, it is not recommended to do an infiltration based system where water is being filtered through unknown materials. He also noted that with a subsurface system, problems are not always visible. He went on to say that the new Plan accommodates more than 200% of what is required by the Code.

Ms. Hamroun read passages from the City Code relating to the responsibility of the HAC as it relates to its purview of historic areas, noting that its role, in part, is to review historical architectural value, general design and arrangement, texture and material, significance of the building site or structural pertinence, the relation of such features to similar features and buildings in the immediate surroundings, and the position of such buildings, structure or site in relation to the street or public way into other buildings, structures and sites. She also stated that the HAC has purview of consultation treatment of dangerous or vacant buildings and use of site and review of Applications for special exceptions where such reviews are required. She explained that the Code very specifically notes that the HAC does not regulate matters of Zoning, such as use, bulk required setbacks or lot coverage. Those are the purview of the Planning Board and the Board of Adjustments, but that the HAC will act, if needed, as consultation the Planning Board and the Board of Adjustments. She noted that the parcel in question is a vacant lot, and looking at the significance of the lot from an historic preservation perspective, it would be reversible if someone wanted to building something on it because the nothing is being put in the ground impacting adjacent buildings or underground structures.

An unidentified member of the audience expressed concern that the land that sits just to the bottom of that has been sold and they're going to put a three story apartment building in that plot. Ms. Fontana advised that the HAC could only speak to what was being presented to it at the current meeting that that they have no knowledge of that lot being sold or what will be going on with it.

Ms. Hamroun said she would not comment on what she does not know about, but that notwithstanding what may be happening, she can comment on the preservation philosophy, reversibility, and whether it forecloses any future improvements to the area. She cannot speak to the use from a zoning perspective. She can speak to how we treat this flat surface. Ms. Hamroun stated that the Guidelines say Macadam cannot be used adjacent

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to any historic building. She explained that in the revised Plan there is now a separation between adjacent properties of having an area of brick that is similar to the brick paving elsewhere in the City, and the Macadam has been reduced to a configuration similar to what is seen elsewhere in the city. She referenced the plazas in front of City Hall and the Courthouse where there is an area of brick and a transition to the Macadam.

She also noted that in looking at the perspective, there is a much broader, deeper vegetative separation and two layers that shield the eye. Streetscape is about perception, and when viewing the parking lot you do not just see Macadam, you see a combination of materials found elsewhere in the City, which is a significant improvement over the original Plan.

Ms. Hamroun explained that part of the Guidelines is not about trying to find not the purest solution, but the most appropriate solution, which sometimes requires a compromise. Her opinion is that for this parking lot, the revised design is more appropriate and an improvement over the original Plan, and that, although not ideal, it does meet the spirit and intent, as well as some very specific stipulations of the Guidelines.

There being no further questions from the Commissioners, the meeting was opened to Public Comments. Ms. Fontana informed the audience that Public Comments should be precise to the discussion of the design of the parking lot. Location should not be addressed. She invited questions and/or comments specific to the discussions around the new design only.

Roderick Gillespie – 24 West 4th Street

Mr. Gillespie felt safety and potential property damage was more important than materials, and felt the parking lot should be moved to 3rd and South Streets, where there are adequate roads feeding into a parking lot that already exists. He suggested that additional parking spaces could be added there. Mr. Gillespie measured 3rd Street west of Foundry to measure 17' 11" face-of-curb to face-of-curb, with parking on that street. If a parallel parking space is approximately 9', it would leave an 8' 11" lane for traffic. Mr. Gillespie thought the lanes in the parking lot were 12' wide and asked if that was intended to accommodate two-way traffic. Ms. Hamroun stated that she would defer that question to the traffic and site civil engineers who did the analysis of traffic and streetscape. She did not review the traffic or streetscape as it was not part of her purview. Mr. Taylor thought the question was more about use and location as opposed to design, which is the focus of the current meeting. Mr. Gillespie felt that the parking lots have 12' lanes and not 10' lanes for safety reasons. The parking lot traffic is discharging into a street that may have as little as a 9' 6" lane, which increases hazards to traffic and parked cars on that street. He said that having an 8' 11" lane west of Foundry, or a 9' 4" lane with parked cars east of Foundry Street is creating an unsafe traffic situation. He reiterated the parking lot should be moved to South and 3rd.

Jim Workman – 21 West 3rd Street

Mr. Workman's concerns included:

- no citizen has ever spoken in favor of the parking lot

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- 3rd Street is the minimum width of a thoroughfare according to the Federal Code of Regulations
- the proposed parking lot will exacerbate the drainage situation and potentially cause flooding down 3rd Street
- increased crime in the area
- trees being proposed to be planted will disrupt the view of the river
- citizens really don't know why a parking lot is necessary on West 3rd Street

He noted that with regard to the design, especially looking to the future, there is one exit going into the bank parking lot, there is one exit going into the proposed parking lot, and there may be another exit coming off the property adjacent to it, which puts three parking areas on 3rd Street.

Janet Wurtzel – 54 West 3rd Street

Ms. Wurtzel questioned the logic being used to say the use of asphalt is following the Guidelines set out in the Code. She is not in favor of using asphalt in the proposed parking lot simply because there is asphalt in other places in the City. Using that logic, she feels that a precedent is being set and that Applications submitted for the use of modern materials on historic properties should then be automatically accepted by the HAC. She referenced metal screen doors that are in use on many homes in the historic area. She feels if the Application is approved, the HAC will lose credibility to have any purview over what homeowners do on their houses. The logic being used seems to start from the perspective of saying we want a parking lot so what do we do to make that fit into the rules. Ms. Hamroun clarified that when an Application is received, whether it is for new construction or an existing building, whether it is contributing or non-contributing, the date of the building and the materials originally used to construct the building all come into consideration. The philosophies are different when you approach site work vs building, contributing vs non-contributing.

Ken Oppenheimer – 36 East 5th Street

Mr. Oppenheimer advised that, having spent the previous summer in a wheelchair, he liked the design of the parking lot and was in favor of the blacktop, noting that the brick sidewalks throughout the City make it difficult for individuals with disabilities to navigate.

Marianne Caven – 49 West 3rd Street

Ms. Caven had concerns about the design of the parking lot and escalating crime in the City. She noted that the proposed parking lot is surrounded by more residences than the parking lot at the other end of the block, but there did not appear to be any means to close the lot in the revised Plan. Mr. Taylor advised that the design of the lot, with light poles, was designed to accommodate security cameras on the light poles. Ms. Caven asked if the design was so questionable with regard to safety concerns as to require lighting and security cameras, why couldn't be closed to deter increasing crime in the neighborhood. Mr. Taylor explained that the security cameras will deter the crime and that there are other cameras around town that have helped deter crime.

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Ms. Caven noted that in Ms. Hamroun's discussion of her review of the revised Plan, she stated "most" intentions had been addressed, and asked Ms. Hamroun to clarify what had not been addressed. Ms. Hamroun said that ideally the Plan would completely avoid blacktop. She added that historically, there was nothing in the records that justified that area remain a green space and that it had previously been a bowling alley and a rail yard. The Revised Plan has attempted to separate as much from the buildings as possible, and from that perspective, the Plan does meet the spirit. Ms. Caven said that her understanding of the intention was to have the lot made durable enough for vehicular traffic without asphalt. Ms. Hamroun said, yes, as much as possible, and that based on the feedback received from the design professionals, that requirement has been met.

Ms. Caven noted that area has been an open space since 1988 and enjoyed by visitors and residents alike; however, if the parking lot is constructed, she feels the community really needs security in a parking lot because Battery Park is suffering from increased crime, and a parking lot in such close proximity to residences is a problem.

Betsy McNamara – 22 West 3rd Street

Ms. McNamara noted that when the four townhouses were built on West 3rd Street in 2003, the neighbors were very unhappy, but the City and the HAC were very careful that the construction conformed exactly to the look of the existing homes on the street. With regard to the current issue, she said that a parking lot on West 3rd Street is not historical and will negatively impact the existing residences in a number of ways, including increased traffic and devaluation of the existing properties.

Jeanne Marie Camac – 23 West 3rd Street

Ms. Camac wished to know what kind of barrier will be between the M&T Bank driveway and the parking on the NE border. Mr. Hayes responded that there will be a nearly continuous line of evergreen shrubs. Ms. Camac asked about the intensity of the proposed lighting, and Mr. Hayes responded that the proposed lighting is directional in that it is away from the adjoining property, and the light levels between the fixtures are very low in terms of the intensity. He noted that the lighting levels are similar to those that exist throughout town, and because of the shielding, may even be less than the lighting throughout town. He also explained that the parking lot will not be lit like a commercial parking lot.

Andrew Camac – 23 West 3rd Street

Mr. Camac noted that the handicapped parking spaces are toward the park, and asked how individuals in wheelchairs will navigate uphill and across the bricks to get to the asphalt? Mr. Hayes responded that the location of the handicapped parking was proposed as part of broader parking lot improvements to provide close access for ability impaired individuals. Mr. Camac asked if ability impaired individuals would have to navigate across grass. Mr. Hayes continued to state that there will be sidewalk improvements for the playgrounds and the restrooms and there will be ADA compliant slopes to the entry to West 3rd Street. Individuals who park in the ADA parking spaces will be able to access the entrance to the brick on West 3rd Street. He also explained that there is a proposed walkway as part of the Planning Commission Meeting that relates to a master plan for Battery Park itself that will eventually connect to a pathway system within the park. At the present time, the ADA

parking spaces in the proposed parking lot are closer to the amenities than the ADA parking spaces in the 3rd and South Street parking lot.

Mr. Camac questioned if the parking spots will be plowed, since they are composed of brick; and if the brick parking spaces can be plowed, why is brick not being used throughout the entire parking lot. Mr. Hayes responded that the parking spots will be plowed. He explained that eventually there will be some loss in material and maintenance and the bricks will move. At that time, plowing may dislodge the bricks. The rationale for using a non-segmental material in the isle ways has to do with significant loss of brick material due to plowing as well as shifting of the paver product due to traffic circulation. Mr. Camac asked why it would be acceptable to plow up the brick parking spots when the bricks begin to move and plowing may dislodge them.

Mr. Camac asked why the parking lot needed lights if no one was supposed to park there after dark. Mr. Taylor noted that the park closes at dusk, but that the parking lot would remain open to accommodate businesses and neighbors in the area. Mr. Camac noted that originally the neighboring residents had been informed that they could not use the parking lot for overnight parking. An unidentified resident asked what restaurants were near the proposed parking lot, and Mr. Camac reiterated the question.

Mr. Camac quoted Mr. Hayes “we’re going to give this a shot”, and said that this was not a trial and error matter to the community and if asked if the site would undergo continued construction if the pavers don’t work out. He also asked what value the parking lot adds to Historic New Castle. Ms. Hamroun responded that the Guidelines are in place to protect the integrity of the historic, and to integrate new into historic in a way that is the least detrimental to the District. She added that the District is not fixed in time, and has buildings from the 18th century up to the mid 1900’s and beyond; and buildings use different materials based on when they were built and how materials have changed over time.

Mr. Camac asked how the parking lot will affect the adjoining properties, and that it was previously noted that it could be detrimental to property values of the neighboring houses. Ms. Hamroun responded that the perspective of an historic architect is how it affects the integrity of the historic buildings adjacent, which is why Macadam is not used all the way to the proximity of the historic building and protecting historic buildings from the streetscape. From a preservation perspective, the question is, does it affect the physicality and physical integrity of the adjacent buildings? It is not about how it will affect property values.

Mr. Camac asked how the use of four different materials could be deemed attractive. Ms. Hamroun replied whether it is pretty or nice is subjective, and as an historic architect, she can’t be subjective. However, the proposed parking lot will use some architectural elements, in terms of materials, that echo some of the adjacent properties in the District, and that a natural barrier is better than a fence or retaining wall, and these elements make it less invasive as you view the neighborhood.

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Mr. Camac noted that Mr. Hayes indicated there are plans to put cement to the rest rooms, and asked what else is being planned that will affect Battery Park that the community doesn't know about.

Mr. Tom Tritelli –

Mr. Tritelli commented that the opinions people who live in the immediate area of something being done should carry significant weight. Mr. Tritelli asked for clarification of the purpose of the meeting, stating that the posted meeting notice indicated this meeting was about the proposed parking lot on that location, not necessarily the design alone. He asked if the parking lot had been approved. Ms. Fontana reviewed the process, noting that a parking lot has not been approved. A process, Ordinance 510 was put in place. The process starts with the Planning Commission which has to approve their components of the Application. The Application then goes to HAC for approval of the design. If HAC approves the design, the Application moves to the Board of Adjustments, which is the last Committee, who will decide if the parking lot will be built. Mr. Tritelli clarified that the current meeting was to discuss the design of the parking lot and noted that the signage was somewhat misleading. Mr. Fontana thanked Mr. Tritelli for his feedback.

Jay Hanna – 18 East 4th Street

Mr. Hanna asked for whom the parking lot is being built ... for businesses, for residents, for renters, for shop owners or employees. Ms. Fontana replied that from her perspective like any parking lot, the use could be from visitors to residents to people who visit the town or Park. There is no restriction on who can use it. It is open for use to the public, noting that as the parking lot behind the Library is sometimes used for overnight parking, she assumes the parking lot in question would be used in a like manner.

John DiMondi –

Mr. DiMondi stated that the HAC is charged with broad discretion on preserving the Historic Area of a 350 year old town. He questioned whether the proposed parking lot belongs in the Historic District, noting that the use of asphalt is already a compromise. Mr. DiMondi stated that he feels the parking lot has already been approved. He said a parking lot located adjacent to residential homes should not be open 24 hours a day and that having the entry on one of the narrowest streets in the City is dangerous. He also commented on the drainage issue. Mr. DiMondi stated that the proposed parking lot doesn't belong on 3rd Street in the Historic Area. Ms. Hamroun noted that the compromise was not about allowing Macadam be used this time. The guidelines clearly say "minimize" the use of Macadam in the Historic District. She stated that part of her professional responsibility is to ensure that what she said should be correctly reflected in the record, and she did not say that the compromise is that we are going to allow a percentage of Macadam. What she said is the Guidelines very clearly state at Item 4.e.5, page 118 "the use of Macadam or bituminous concrete (blacktop) is not appropriate adjacent to historic buildings with the exception of Code mandated barrier-free access amenities such as handicapped accessible parking spaces". She gave as an example; if one were putting an area of Macadam to access behind an historic property she would recommend a planted area next to the historic building and a planted area next to the adjoining property with only a strip of Macadam.

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Ms. Hamroun stated she is not an advocate for or against the project, but she wanted what she said correctly represented.

Ms. Hamroun responded to a comment from an unidentified resident regarding the word “compromise” that every decision regarding historic buildings is always a compromise. She gave as an example: if an Application requesting putting windows or air conditioning units in historic buildings is received the recommendation would be that it be located as far back as possible and that there be shielding and fencing in front of it so it can’t be perceived from the street. That is compromise because historic buildings need to accommodate the people who live in them. When true historic materials can be used it is wonderful, but there is always an attempt to accommodate 21st century needs and expectations and changing Code regulations.

An unidentified resident commented that the community and the citizens have no voice and the HAC is their last resort to try and stop the destruction of the neighborhood. He indicated there is concern that development is turning the park into some sort of revenue-maker and the citizens are concerned because no one seems to listen or take into account their voice..

Kathy Dunn –

Ms. Dunn asked the purpose of the meeting. Ms. Fontana explained that the purpose of the meeting is for the HAC to review the design of the parking lot. If the design is approved, the matter moves to the Board of Adjustment and the Board of Adjustment has the final say. Ms. Dunn noted that the last time there was a meeting to approve a process the City Council approved Ordinance 510 despite objections from the citizens, and she perceived the same thing happening at the current meeting. Ms. Fontana reiterated that if the design of the parking lot is approved by the HAC as presented, it goes to the Board of Adjustment, and the Board of Adjustment will make the final decision of whether the project goes forward.

Ms. Dunn said that the Site Plan itself had not been approved at the Planning Commission meeting, where only a special exception was approved, or at the HAC meeting, where only materials were reviewed. She asked if the Site Plan had been approved by the Planning Commission. Mr. Baldini explained that the Planning Commission reviewed the Plan to ensure it met Code 28.1. The Plan met the Code and the recommendation was made to move it forward. The Planning Commission made recommendations to the Plan to ensure it was compliant with the Code, and those recommendations are included in the Revised Plan presented to the HAC at the current meeting. Ms. Dunn asked if the recommendations made by the Planning Commission were ever reviewed again by the Planning Commission. Mr. Baldini advised that the Application will go back to the Planning Commission after the Board of Adjustment reviews the Application pursuant to 28.1 of the Zoning Code. Ms. Dunn noted that this is not the process set out in Ordinance 510 as she understood it. Mr. Baldini responded that the Ordinance set up the Zoning Code 28.1.

Ms. Dunn again asked what was being approved by the HAC at the current meeting. Ms. Fontana explained the HAC was reviewing the revised Plan for approval. If the Plan is approved, the Application will go to the Board of Adjustment and the Board of Adjustment

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will make a final decision at a public meeting. Ordinance 510 was established for Applications to first go to the Planning Commission to meet their zoning, then to HAC to meet their purview, and then to the Board of Adjustment to make a final decision. Then it will circle back to the Planning Commission.

Ms. Fontana confirmed that the lot in question is a private lot owned by the Applicant. She asked Mr. Bergstrom if there were other parking lots in the historic District, and Mr. Bergstrom identified several parking lots in the City. Ms. Hamroun asked Mr. Bergstrom if those parking lots were built before there was a HAC, and he advised that the lot at 4th and Chestnut was built after the HAC was formed. He noted that it was not necessary for ancillary parking lots to go through the process. Ms. Fontana clarified that some ancillary lots can be built without going through the process.

Mr. Baldini stated when the Plan was rejected at the last meeting and the conditions they put on it have been addressed. Mr. Baldini said he feels the Plan has met the requirements to move on to the Board of Adjustments.

During discussion, Mr. Wright stated he agreed that two of the requirements have been fully met, and the third requirement, which is regarding the Macadam, has been partially met. It is his opinion that neither the brick nor the Macadam are pervious to water, and the only areas that will allow drainage are the center island, which is temporary; and that is unacceptable. Mr. Wright referred to the Guidelines, which say Macadam is not appropriate, and that the Guidelines do not say some Macadam is appropriate. He feels Macadam is not at all appropriate. Ms. Fontana clarified that the Guidelines say “minimize the use” of Macadam. Mr. Baldini said pervious surfaces are too soft and do not meet ADA requirements, and if only those materials were used the parking lot would not be ADA compliant. Ms. Norvell said we have to compromise to meet Federal Regulations. Mr. Baldini confirmed that Mr. Wright is saying no Macadam at all, and Mr. Wright said even the brick with concrete underneath is a problem. Ms. Fontana asked Mr. Wright if there is any revision to the design that would make the design pass it in the future, and he responded that if the design used only materials that are pervious to water. Mr. Baldini said that is not realistic. He said materials are changing, and the design itself changed, and while it is a patchwork of different materials, they blend in such a way that it is indeed better than what it was before. Mr. Wright agreed, but reiterated it is not appropriate for the historic district.

Ms. Briggs stated this property is owned by the Trustees, and they are responsible for many of the amenities and improvements in town; however, the residents have voiced their opinions that the Plan is not acceptable to them.

Ms. Norvell said realistically there may not be any alternative material that could be used in place of Macadam, and we would not be ADA compliant if we used other materials. The Revised Plan has met the recommendations that were made at the last meeting to fit into the historic area. It's not perfect, but she doesn't think it can be made perfect without losing compliance.

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An unidentified member of the audience asked why the town is so focused on having a parking lot at this location, and was advised that the location was not part of the HAC purview. Mr. Baldini said that location has been in the Comprehensive Plan since 2009.

An unidentified member of the audience said she remembered the recommendation was to try to coordinate with the existing parking lots. Mr. Baldini said that was one of the recommendations in the goals, but the map itself shows the present area as a potential parking lot.

Mr. Taylor thanked the Commission and asked for a Motion that the Plan meets the requirements of 28.1 of the Zoning Code and asked for approval of the design so the Application can be moved on to the Board of Adjustment.

A Motion was made that the project be moved forward, as presented, to the Board of Adjustments. The motion was seconded.

Ms. Fontana asked for a vote:

Marty Wright – No

Lynn Briggs – No

Laura Fontana – No

David Baldini – Yes

Jean Norvell – Yes

The special exception did not pass.

Ms. Fontana called for order and asked the voting members what revisions could be made to the Plan to secure a positive vote.

Mr. Wright indicated he would vote for the plan if it came back where the entire surface was pervious to water. Mr. Taylor said the drainage has been addressed to 200% and Mr. Hayes said that as a professional he could not condone materials that have infiltrating water.

Ms. Briggs didn't see the reason for the reinforced overflow and did not like the proposed mixed surfaces. She also noted the objections raised by the community about safety.

Ms. Fontana said it is an improvement in design, but she would like to see additional green areas versus the Macadam.

167 East 2nd Street

Mr. Wright noted that the Application of 167 East 2nd Street had been tabled at the last meeting and questioned if that issue needed to be addressed. Ms. Hamroun said the Applicant had 30 days from the last meeting to return to HAC, or get the project accomplished within the timeframe as a Tier 1 (staff) application with in-kind repair of appropriate replacement.

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Adjournment -- There being no further business to address, the meeting was adjourned at 8:42 p.m.

Kathy Weirich
Stenographer