

Minutes

HISTORIC DISTRICT COMMISSION

Regular meeting

6:30 p.m. Feb 7, 2024

Board Meeting Room of Town Hall Annex, 105 E. Corbin St.



Present: Chair Will Senner, Vice Chair Mathew Palmer, and members G. Miller, Hannah Peele and Sara Riek

Absent: Members Elizabeth Dicker and Bruce Spencer

Staff: Planner Joseph Hoffheimer and Town Attorney Bob Hornik

1. Call to order, roll call, and confirmation of quorum

Chair Will Senner called the meeting to order at 6:30 p.m. He called the roll and confirmed the presence of a quorum.

2. Commission's mission statement

Senner read the statement.

3. Agenda changes

There were no changes to the agenda.

4. Minutes review and approval

Minutes from regular meeting on Jan. 10, 2024.

Motion: Member G. Miller moved approval of the Jan. 10, 2024, minutes with a correction. Member Sara Riek seconded.

Vote: 5-0.

Correction: The word "Huffman" will be added to the beginning of Paragraph 7 on p. 2, which currently begins with the word "confirmed."

5. Written decisions review and approval

Written decisions from regular meeting on Jan. 10, 2024.

Motion: Miller moved approval of the written decisions from the regular meeting on Jan. 10, 2024, as submitted. Senner seconded.

Vote: 5-0.

6. New business

A. Certificate of Appropriateness Application: 318 W. Queen St.

Applicant is requesting approval to construct a front-yard wooden picket fence with two arched gates (PIN 9864872602).

Senner opened the public hearing and asked whether there were any conflicts of interest or bias among the commissioners. All commissioners disclosed that they had visited the site in preparation for reviewing the application. No other conflicts were disclosed.

Planner Joseph Hoffheimer was sworn in. Christina Ferguson, the applicant, was sworn in.

Hoffheimer presented the staff report and noted the inventory information, application materials, and applicable design standards would be entered into the record as evidence. He provided the staff comments:

- The Historic District Commission approved an addition for this property in April 2023. The property has since changed ownership, and this application is only for fencing in front of the existing house.
- The Historic District Design Standards discourage new fences in front yards, but the proposed fence would replace (and then extend) an existing section of picket fence in front of the house.
- The Historic Inventory does not indicate when the existing section of fence was constructed.
- The applicant has confirmed that the fence will be painted white and that there will be a couple-month curing period after installation.
- The front-yard fence at 114 W. Queen St. (exhibits 11-12) received after-the-fact approval from the commission in 2012. There was a condition that a finish be applied to the fence once it cured and that the color and treatment be coordinated with staff. This condition may have never been enforced and was approved under prior ownership and Town staff.
- The front-yard fence at 110 E. Queen St. (exhibits 13-14) is freestanding, similar to the existing fence at 318 W. Queen St.
- The front-yard fence at 168 W. Margaret Lane (exhibits 15-16) was approved by the commission in February 2010 and moved closer to the house in May 2013. It was to be painted white, but this does not appear to have ever happened.

There was discussion of the current state of the fence. Ferguson said that there is rot on the fence posts and that the entire fence is unstable and wobbly.

There was discussion of the age of the fence, and Ferguson confirmed that there is no documentation of its age, though it does appear in the earliest Google Maps images from 2011.

Senner referenced Item 8 of the Design Standards for Fences and Walls, which indicates that it is not generally appropriate to locate new fences or walls in front yards. He said that based on other fences in the district, it seems that fences at the front line of the house are more in character with the district. He expressed concern that a front yard fence might separate the house from the community and detract from the front elevation of the property.

There was discussion of whether this proposal would be considered a replacement of the existing fence in kind. Hoffheimer clarified that the fence was likely extended farther in the past, but staff did not find any evidence of the fence extending beyond its current dimensions. It was pointed out that the part of the fence that creates a division between the house and the street would be considered an in-kind replacement and that adding additional fence perpendicular to the street would not have a much larger impact. There was discussion of whether extending the existing partial fence would make the property look less incongruous with the district, if painted white.

Ferguson addressed the possibility of locating the fence at the front line of the house. She said the reason for wanting to extend the existing fence to enclose the front yard is to keep the homeowners' dogs from running into the street when the homeowners are using the porch. The commissioners acknowledged

that they are unable to consider that as part of their evaluation and instead must consider the proposal's congruity with the district. Ferguson added that there are generally many examples of front yard fences at homes of a similar vintage.

Senner reiterated that in his opinion a fence along the street is incongruous with the character of the district, and that a fence along the front line of the house would be less incongruent. Miller agreed that a fence at the line of the house would be less incongruous but said that he did not find the proposal completely incongruous since there is already a fence at the street. The rest of the commissioners agreed that they did not find the proposal incongruous because of the current existence of the partial fence.

Hoffheimer reiterated the obstacles of not knowing the age of the fence, whether it is historic, or how far it used to extend. He suggested that its current siting arguably makes it character defining. He also reminded the commissioners that staff's interpretation of congruency is not that everything must be identical.

There was discussion of the standards for replacing the fence if it were historic. Hoffheimer confirmed that even if it were an in kind replacement it would have to come before the commission because of its siting in the front yard. He also noted that this application included a number of example photos of neighboring properties. Ferguson added that she modeled this application after the example application on the website, which uses the fence in question as an example.

Ferguson confirmed that the portion of the fence that currently exists is two sections on either side of a large gate, parallel to the street. She would like to replace what exists and add two additional sections perpendicular to the street to enclose the front yard. On the west side the fence will tie into an existing fence just behind the front of the house. The whole rear yard is currently fenced. She added that 314 W. Queen St., the neighbor to the east, has a fully enclosed front yard fence.

Ferguson confirmed that the new front gate will be the same size as the existing gate.

The commissioners acknowledged that there were many examples provided, and that a significant number of examples were adjacent to the applicant property.

There was discussion of how the fence perpendicular will rise with the slope of the grade. Commissioners expressed preference for the top of the fence following the grade rather than using a stepped rise. Ferguson confirmed that she would also prefer that the top follow grade, and that she is willing to use whatever approach is least incongruous with the district.

Senner closed the public hearing and called for deliberation. He summarized the discussion and noted that there appeared to be agreement among the majority of commissioners that extending the fence would not be incongruous given the existing partial fence.

Motion: Peele moved to find as fact that the 318 W. Queen St. application is not incongruous with the overall character of the Historic District and complies with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: Fences and Walls, and that the applicant will be replacing in kind the portion of the fence that is existing, and the additional fencing will match that section in style. Riek seconded.

Vote: 4-1. Nay: Senner.

Motion: Miller moved to approve the application with conditions.
 Motion died for lack of a second.

Conditions: Fence will follow the slope of the land (i.e., not stepped). Fence will be painted white within six months of the installation of the fence, based on the curing time the applicant has stated.

There was discussion of whether adding the condition for no stepping is necessary, and whether there was sufficient evidence to make that a requirement of the approval, given that the applicant has stated intent to conform to those desires. Hoffheimer said that if there were any changes to what was stated under oath at the meeting, staff should be informed. He reminded the commissioners that staff review projects after completion and enforce compliance with the commission's decisions.

Motion: Peele moved to approve the application as submitted. Riek seconded.
 Vote: 3-2. Nays: Miller and Senner.

Miller explained that he had voted to approve the finding of fact but voted against the motion to approve the application because it didn't include the proposed condition, which he considered to be necessary.

7. Old business

- A. Certificate of Appropriateness Application: 202 W. King St.
 Applicant is requesting to replace seven existing wood windows with Fibrex windows (PIN 9864965347).

Senner reopened the public hearing for the application. The applicant was not present at the meeting.

Hoffheimer told the commissioners that the applicant had asked to continue the application at the March meeting.

Motion: Senner moved to table the 202 W. King St. application until the March meeting. Miller seconded.
 Vote: 5-0.

- B. Certificate of Appropriateness Application: 114 W. Queen St.
 Applicant is proposing to add porches to the main house, add an accessory dwelling unit to the brick kitchen structure in the backyard, and construct two sheds in the northeast corner of the property (PIN 9874071780).

Hoffheimer gave an update to the commissioners that the applicant was provided a copy of the minutes, and that the applicant had provided additional updates earlier in the day. Given that staff and commissioners had not had much time to review the new materials, staff recommended tabling the application until the next meeting.

Senner reopened the public hearing.

The commissioners reiterated to the applicant their request for more details about and clear labeling of existing and proposed features.

Motion: Senner moved to continue the public hearing at the March meeting. Palmer seconded.

Vote: 5-0.

8. Amend Historic District Design Standards

- A. Amend standards for Historic vs. Non-Historic, Masonry, Windows, Sustainability and Energy Retrofit, Utilities, Site Features and Plantings, Fences and Walls, Walkways Driveways and Off- Street Parking, and Art

Hoffheimer presented the amended design standards. The commissioners discussed the proposed changes.

- B. Amend Ordinary Maintenance and Repair and Minor Works

The commissioners discussed the proposed changes to the Ordinary Maintenance and Repair and Minor Works design standards. They proposed some additional changes:

- P. 135, Paragraph "Minor Work/Staff-Issued Certificate of Appropriateness": Add "over replacement" to the end of the first new sentence so it reads, "... to restore and preserve historic materials over replacement."
- P. 143, H.1.i. Add quotes around "seasonal decorations" so it is clear what the word seasonal modifies

There was discussion of why solar panels and electric vehicle charging stations are categorized as ordinary maintenance rather than minor works. Hoffheimer clarified that this categorization makes the process easier for applicants so the town can be more open to residents adding renewable energy resources.

- C. Amend Compatibility Matrix

The commissioners reviewed the amended compatibility matrix.

- D. Amend Definitions

The commissioners reviewed the amended definitions.

Motion: Senner moved to approve the proposed changes to the design standards with the additional proposed changes. Peele seconded.

Vote: 5-0.

9. General updates

Hoffheimer gave a brief update about staff considering re-evaluating the use of the terms "contributing" and "ordinary maintenance," which used to be called "exempt works."

Hoffheimer discussed the status of a potential inventory update for the National Register historic district.

There was discussion of updating and clarifying the application process, including raising application fees. Staff have requested feedback from the commissioners about application fees, which go toward the administrative costs of the program. There was general support among the commissioners for a progressive fee schedule based on the project's estimated budget. There was also general support for raising the after the

fact application fee. Setting the after the fact fee at double the regular application fee was proposed as an option. The commissioners requested additional information to inform discussion at the next meeting: a current fee schedule; last year's annual revenue generated from the fees in comparison to the program's costs; and a proposed fee schedule. There was additional discussion of further verifying or certifying estimated construction costs, which impact the fee that applicants currently are required to pay.

There was discussion about the possibility of including more rigorous requirements for application materials such as professional elevations. There was also discussion of whether additional application requirements would create barriers that might prevent residents from bringing projects before the commission. It was noted that the updates to the design standards were intended to make it easier for residents to get project approval if the proposal meets the design standards.

There was further discussion of educating the public about the commission's mission.

10. Adjournment

Senner adjourned the meeting at 8:12 p.m. without a vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph Hoffheimer". The signature is fluid and cursive, with the first name "Joseph" written in a slightly larger, more prominent script than the last name "Hoffheimer".

Joseph Hoffheimer
Planner
Staff support to the Historic District Commission

Approved: March 6, 2024