

Town of Milton
Historic Preservation Committee Meeting
Milton Library, 121 Union Street
Tuesday, February 8, 2011
7:00 p.m.

1. Dennis Hughes: Called the meeting to order at 7:00 p.m.

2. Roll call of members

Michael Filicko	Present
Amy Kratz	Present
Dennis Hughes	Present
Gwen Foehner	Present

3. Correction and Approval of the Agenda

Dennis Hughes: We have one thing on the agenda and that's a continuation of Mr. and Mrs. Powell's installation of the shed on property located at 304 Chestnut Street.

Michael Filicko: Question, please, Denny. This is a continuation from the last meeting and I was not present. Is that okay, Robin?

Robin Davis: It is okay if you look at your packet and there's information in there.

Michael Filicko: Yes, I did look at the packet.

Robin Davis: That's okay.

Dennis Hughes: I guess somebody needs to make a motion to approve the agenda.

Michael Filicko: I would like to make a motion to accept the agenda.

Dennis Hughes: Do I hear a second?

Gwen Foehner: Second.

Dennis Hughes: We have a motion made and seconded and barring any questions on the motion; if not, all in favor, aye. Opposed. Motion carried to approve the agenda.

4. Approval of the Minutes – January 25, 2011

Dennis Hughes: I think everybody has a copy of those. Does anybody have any questions or corrections to the minutes?

Michael Filicko: I make a motion that we approve the minutes of January 25, 2011.

Gwen Foehner: Second.

Dennis Hughes: Motion has been made and seconded to accept the minutes of January 25, 2011. Any questions on the motion? If not, all in favor say aye. Opposed. Motion carried to approve the minutes.

5. Business

- a. Discussion and possible vote on the application from Myrl & Josephine Powell for the installation of a shed on the property located at 304 Chestnut Street, further identified by Sussex County Tax Map and Parcel Number: 2-35-20.07-107.00

Dennis Hughes: At the last meeting, there was a motion made to table this until the next meeting when we can see some pictures; and, if possible, my suggestion would be to maybe look at other structures that are similar to the use that you might want to use for it; that look like structures in your neighborhood. So that motion was made and seconded and it was approved. So tonight we are going to go ahead and reopen for our continued application and I think Mr. and Mrs. Powell have submitted pictures for everybody to look at of different structures in their neighborhood. I don't know if you looked at any other type of structure, besides the one that you submitted.

Myrl Powell: No, in fact just the ones on our street too.

Dennis Hughes: We'll now open it up to questions. Do any of the Commissioners have any questions of Mr. and Mrs. Powell?

Amy Kratz: I don't have any questions. I see that you've given us a smattering of other different types of sheds. A couple of them look similar to the one that you're trying to buy; only in smaller form. The one that you're trying to buy; what is the area of space that it would occupy.

Myrl Powell: 12X20'.

Amy Kratz: 12X20'; and the sheds in these photographs that I see, that are about that size; 12X20'; have pitched roofs and the other sheds that I see, that are littler, that resemble your roof line, are much smaller; they're like half the size. So I appreciate your bringing pictures in for us to look at.

Myrl Powell: That's our son to thank. We have our son to thank for that.

Amy Kratz: Thank you. This is helpful because basically, from what I can understand of our code, on Page 10, on our revised Code, 4.9.9

“Standards: a proposed new structure or any alterations to an existing structure, located in the Historic District or designated as an historic site; shall conform to the Municipal Code of the Town of Milton and/or other prevailing law or Code in place at the time of application. The following standards shall be used by the Historic Preservation in preserving the architectural integrity and ensuring the compatibility of new construction and all creations with the existing body of architectural styles in the Historic District.” That's why we wanted you to bring in these extra pictures, so we could see if they conform to others in your neighborhood; that's what we were trying to do. So, basically, number one under that says “roofs, pitch, dormers and types” and any structure refers to a shed; it could refer to a shed as what you're trying to do. It says the roof and pitch of the roof shall be in keeping with the tradition of roof types and styles in Milton, within the Historic District and on the designated Historic Site; which would be your house. So that's why we asked you to do this. That's one of the standards that we would follow for this. I don't have any questions.

Gwen Foehner: These are the sheds that you currently have, right? These are presently in your backyard?

Myrl Powell: Yes. Yes, these two here. And neither of the sheds have the overhead door; which this is going to have right here.

Josephine Powell: Do you have a pencil?

Myrl Powell: Yes.

Amy Kratz: And I think that may make a difference; and the shape of the roof may make a difference, as well.

Josephine Powell: The garage right next door to us has that over...

Amy Kratz: Do you have a picture; is that in here?

Josephine Powell: This one right; 303. This one.

Robin Davis: No, 306.

Myrl Powell: Yes, 306 is this one and this one is 303.

Josephine Powell: That's not.

Robin Davis: I don't think the one in your hand...

Dennis Hughes: Oh this is Federal. That's Federal Street.

Josephine Powell: Oh, I know it's 303.

Dennis Hughes: That's the one that backs up. Both those garages do have that type of roof; and I noticed the one that is on 210 Chestnut does have the same pitched type roof; and the shed there. The one that doesn't have that type is still kind of out of the way; if you look down; like if you're looking here, down the alley; the one at 210, the one at 301 Federal and 306 and 303 and the one that you have; 304 all had that type roof.

Amy Kratz: You mean the peaked roof?

Dennis Hughes: Yes.

Amy Kratz: Gwen, do you have any comments? My thinking is, and this is just my opinion, that we should keep with the shed that you have is a 20X...

Myrl Powell: No the one that we are thinking of buying is 12X20'.

Amy Kratz: That's what I mean; 12X20'; which is a big, big shed.

Myrl Powell: Yes.

Amy Kratz: And it has a barn shaped roof and it doesn't, in my mind, it doesn't necessarily conform to the other sheds on your alley that have that kind of door and the other kinds of sheds that have that kind of door; and so, in my mind, it doesn't necessarily also conform to our Code based on architectural structure and keeping with the architectural structure of your neighborhood. That's my thinking; but I don't know what everybody else thinks. I would kind of like to hear what they think, as well.

Josephine Powell: But you do have some that have that roof and you do have some that have that type of garage door. So it's awfully hard to...

Myrl Powell: The larger sheds all look like they have the pitched roof and the two smaller sheds have the barn type. There's one other smaller shed that has; the one at 301 Federal.

Amy Kratz: 4.9.9 Standards, also says "4.9.9, number one, Garage Doors, the last sentence also says "Modern variations of roofing styles, which clearly bear no resemblance to traditional or historic styles, will not be

permitted within the Historic District or on a designated Historic Site.” So, I would like to make a motion that we not approve this application for that particular shed that you’re asking for. Mr. Chairman, I just have made a motion.

Dennis Hughes: Do I have a second to that motion?

Gwen Foehner: Can I ask one more question before we get to that? Can you get that same shed with a different roof on it?

Myrl Powell: No, because the shed that we are thinking about buying is already built; it was built three years ago and we’re just moving it on to the property; we were just thinking of moving it on to the property; but I’m sure sheds with the pitched roof are available. In fact, I know they are.

Amy Kratz: Is that what you’re asking, Gwen? If they could get that kind of shed with a pitched roof?

Gwen Foehner: Yes.

Amy Kratz: Okay.

Myrl Powell: May I make a point? At the south end of our alley, across the street; that would be Prettyman Street; is a shed with a pitched roof; I mean with a barn type roof; right just off of the street; and our son did not take a picture of that, because we were just taking pictures of the ones that are on our alley there. But there’s a shed there with that barn type roof, right by the road.

Gwen Foehner: Right by the church? The one nearer the church?

Myrl Powell: Across the street from the church.

Josephine Powell: But that faces our...

Myrl Powell: It faces our street.

Amy Kratz: Thank you for that information.

Myrl Powell: So it isn’t like it is totally not seen in our neighborhood.

Amy Kratz: Right, I understand.

Dennis Hughes: And I think one of our jobs is that although there are some like that; we’re trying... Some of those could have been put in like the ones you have before there was the Commission. So I think some of our job is too, that we’re trying to maybe bring it all in so that it kind of is altogether; whereas if one of the sheds here wanted to be replaced; it would probably be like the same thing; that’s matching the others. I think that’s one of the things that we’re supposed to do, as part of our job, as Robin said; with the Code.

Robin Davis: Correct, correct. You’re at a little bit of a dilemma because some of these sheds, as you said before, have been placed in prior to any type of Ordinance being in place; but also, you do have to take into consideration that they are there; so in a sense they do play a part in the neighborhood.

Amy Kratz: I think, in my mind, what I have looked at, based on the Standard and the Code, what I am thinking is the proportion of your shed is large; the new shed that you will be bringing in is large; and it has a garage style door; so for me to try to delineate out the little sheds from the

bigger sheds; I've just basically took a Standard and thought, well, let's look at those big sheds with the garage doors and they're all peaked; instead of like a barn shape; like the one that you're trying to buy. And so, in my mind, I'm just basically trying to make the Standard; I would like for your shed to conform with the neighborhood on your alley, in your neighborhood; and it is a little difficult, as we're saying, because some of those sheds have those barn like roofs. My motion would still stand that I would not approve your application for the shed that you're trying to put in which is a 20X12' barn type shed, with a garage door. That's my motion.

Dennis Hughes: Okay, we have a motion made by Amy. Does anybody else have a comment or would someone like to second that motion?

P. D. Camenisch: I'm at 302 Chestnut Street; next door to Mr. and Mrs. Powell and I just wanted to make a little statement. At the onset when the Historic Preservation Commission was started, I was one of the members and at that time, we had kind of set an example about the purpose when it was first established was to maintain the blend of architectural styles in our neighborhoods; it was Colonial, Federal, Delaware Vernacular, a Craftsman style, whatever house it was; and it was covering a period of about four centuries and the goal was on the contributing structures, if they were judged to be in this Historic District, they had a time and a place in the historic development and the sense of being in the neighborhood. The structures were so designated because they meet an architectural test of compatibility with surrounding buildings; representative architectural styles identified with Milton's history; and not of the style that would perpetuate the convenience of an uncharacteristic appearance. It is my opinion, and it is just my opinion, that the Dutch style T111 siding, large shed, the way it is placed on the parcel; which would be parallel to the position of the backstreet; is not in standards of compatibility with the other garages in the neighborhood. On their defense, if the Historic Preservation Commission had been in existence when these other sheds and garages were built, they probably would not have been allowed. There was a garage on their property and I remember it well; it was deteriorating and it had a peaked roof, which matched their house and it was in such a position that it had to be demolished; so it was demolished and Mr. Farrell put back a shed and they dragged it in on a truck and put it there and now it's rotting away and I feel that there needs to be some point stoppage of bringing in just pieces of what I call everything that you would buy behind the trailer in any trailer park in Sussex County; you know, buildings need to be made permanently; more substantial and to the architectural design of the neighborhood of the Historic District. If we're going to have a Historic District, let's keep it historic or try to maintain what we have or bring in something new that matches something in the neighborhood. I'm really not against them having a garage or a shed or anything like that; she's a potter and she likes to turn the wheel and turn bowls and I have a garage and so I mean it's something that's needed for

people to be able to relax and do what they want to do on their own property. But, since we have a Commission and we have this sort of history, I just feel it would be appropriate to have something that was more of a design for the neighborhood.

Dennis Hughes: Thank you, P. D. for your opinion. Okay, so we have a motion made by Amy; do I hear a second for that motion?

Gwen Foehner: Would you restate your motion, at this point?

Amy Kratz: My motion is that I am stating that I would not approve the application with them buying the shed with the barn like roof and the size that it is; because it doesn't fit the Standard 4.9.9 on Page 10 of our Revised Standards, Number One under Structures and Roof Pitches and Dormer Types.

Gwen Foehner: So your motion is to deny the application?

Amy Kratz: That's basically what I'm doing. My motion is to deny the application.

Robin Davis: Plus, as submitted.

Amy Kratz: As submitted.

Michael Filicko: I second Amy's recommendation, based upon guidelines on Page 10 4.9.9.

Dennis Hughes: Okay, we have a motion made and seconded; does anybody have any questions on the motion? If not, I would ask Robin a procedural question; it doesn't have really to do with this. If someone is turned down for what we're saying with this, tonight; is there a period of time that they have to wait; or can they come back with another type of application. I know, there are some things, if you are turned down you have to wait a year or more; but I just feel procedurally, I'm not sure how that works with this?

Robin Davis: Not if they bring something different. If they bring the same thing back; I think they have to wait, I think it is a year. If I'm not mistaken; I would have to read it; but if they bring another style shed back...

Dennis Hughes: Size or something like that.

Robin Davis: Yes, at your discretion one that might fit more for what the Commission is looking for, then you can come back next month.

Josephine Powell: Okay, I have a question. I would like to have you clarify a little bit more in detail, about what would work for us.

Amy Kratz: Basically, what we're looking for is, all the proposals in the Historic District and the Code in the Historic District basically states, there's one overlying term that's like riddled throughout the Code; and that it is to be in keeping with styles of structures in your neighborhood. That's a term that is almost throughout the whole Code. But basically, I think what I'm saying, when I'm denying this; when I'm making the motion to deny this; is I'm saying this type, or this style of shed, does not fit in your neighborhood and with the style of your house. Don't you have like an Arts and Crafts type house and aren't most of those houses like all in a line, there's three or four of them, they're like Arts and Crafts type

houses. Well, it doesn't necessarily fit with that style of house, in that neighborhood. You also, in back of you on that alley, you have like Union Street; so you have a bunch of historic, like Victorian houses and stuff. So I'm not suggesting that you buy a shed that looks like your house, I'm suggesting that maybe there are other styles of sheds that you could look for, with a peaked roof; that's what I'm suggesting. I'm not telling you to do that; I'm just saying that's an option for you to look at. And, actually that was one of the things that I asked the last time; if you could try to look for another style of shed, as well as give us more data on what was actually in your neighborhood. So...

Josephine Powell: If I understand you correctly, it's mostly the shape of the roof?

Amy Kratz: Okay, it's mostly the shape of the roof and how large it is; it is very large; but I'm not so sure I can tell you how large or small to buy your shed. I think and P. D. made an interesting point; but I think he would like to see structures that are actually like they have a foundation; but we don't necessarily as the Historic Preservation need a structure that has a foundation; because under this, there's a Code in here that talks about structures. "A structure is a combination of materials to form a construction that is stable, including, but not limited to building sheds, outbuildings, and fences." Then there's another part of the Code that states, I believe it was the same one that I was looking at. Our 4.9.9, Standards, Number Four, "The foundation materials can be traditional foundations; including brick, brick veneer, stone and stone veneer are encouraged; concrete block is permitted; however, the foundation is to be covered in stucco, if it's concrete block. It has to be covered in stucco, so as to disguise the block joints." But to be honest with you, they're talking about a proposed new structure; but I don't believe that a proposed new shed, Robin, correct me if I'm wrong; a proposed new shed would have to have a full foundation. I think it could be just on blocks. Am I correct?

Robin Davis: I don't think the commission has ever required that before, on the other ones that we have approved.

Amy Kratz: No we haven't and so we have never required it to have a full foundation; but I think that's what P. D. was saying; but we don't require that. We require something that looks more like the other buildings of the same size and shape that have a garage door. But that's what we require, something that looks more like all the other buildings on your alley, possibly; in your neighborhood; that are that size.

Gwen Foehner: Curiosity, I would like to ask a question? When you do the pottery out there, do you have to run electricity and water out to your shed?

Josephine Powell: There is electricity already in the big shed; the water, a hose does it.

Myrl Powell: To get lighting in the shed, we would extend the lighting in the other two sheds that are on the property, over to that shed; in order to

have lighting in it, I think, probably. But the wires would be underground, as they are to the two existing sheds, the large one and the small one.

Robin Davis: I don't know if electricity has anything to do with anything that these two...

Amy Kratz: I don't know either; but I thought there was something, but I can't remember.

Robin Davis: I don't think so; normally the Commission is only dealing with the exterior of the structure itself; so if it has electric inside of it, I don't think that's something the Commission can...

Amy Kratz: It's not our job to talk about.

Robin Davis: I don't think so.

Amy Kratz: Okay, I couldn't remember if there was something in that book on it.

Robin Davis: There's not.

Dennis Hughes: These sheds could come with lights in them.

Robin Davis: Correct. It would just get more if there was a going to be a big outside light hooked to the exterior of the shed; a screwed in light or something like that; and that would fall within...

Amy Kratz: That's a different concept altogether.

Robin Davis: Correct.

Gwen Foehner: But water you can't run out to another... Going to a different process, right?

Robin Davis: That's not the Commission's, whether it's in the Code or not; we can discuss that later.

Amy Kratz: We have no control over that.

Robin Davis: Yes, correct.

Amy Kratz: I thought so.

Dennis Hughes: Okay, we again have a motion that was made and seconded. Are there any other questions on this motion? If not,...

Amy Kratz: One more thing. The other reason that I made this motion and maybe why Mike seconded...

Robin Davis: Amy, if I can stop you. If you would, when you do make your approval or disapproval of the motion; please state the reason why and at that point you can state why.

Amy Kratz: That's what I was going to do.

Robin Davis: Please everybody when they say, instead of just doing a yes or no; please state the reason why you are approving or denying the motion.

Amy Kratz: Thank you.

Dennis Hughes: Mr. and Mrs. Powell, do you have anything else you would like to add before we vote?

Josephine Powell: I don't think so.

Dennis Hughes: Okay, thank you. Then we'll go by a roll call vote:

Michael Filicko I approve Amy's recommendation, based upon Page 10 Standard 4.9.9. Do I need to go any further, Robin?

Dennis Hughes: I have one question. Since there are four people here, how does that work? Let's say there was a tie? Does the Chairman vote or does he...

Robin Davis: The Chairman votes on this Commission, either way.

Dennis Hughes: Okay, that's all I needed to know.

Amy Kratz I'm stating that I'm for denying your Application, as it is written based on Standards 4.9.1, Purpose and Intent; and, on Page One of the Historic District Expansion Committee Code put into law on January 12, 2009 and Page Ten 4.9.9 Standard for Structures.

Dennis Hughes I vote to approve Amy's motion and basically based on the Standards we read and that again, too; that is a large structure and I think it would be better if it was kind of conforming to that and again too, as P. D. said and I think I stated before, that some changes were done over the years and we're trying to bring everything new now into line with that so that eventually maybe won't; but our grandchildren will see it done. I vote to approve the motion.

Gwen Foehner I vote to approve Amy's motion and I would just say for the same reasons that she stated; rather than restating them all.

Dennis Hughes: By a vote of four to nothing, we are not approving the application of the shed, as presented to the Commission; and as Robin stated you are welcome to come back with a different type style and we would consider that. We thank you for your time and your effort and thank you.

6. Adjournment

Gwen Foehner: I make a motion to adjourn.

Amy Kratz: Second.

Dennis Hughes: We have a motion and a second to adjourn. Any questions, if not I'll...?

Michael Filicko: I do have a question. "4.9.9 Number four, the Revised Standards, it states that foundation materials, traditional foundations including

brick, brick veneer stone, and stone veneer is encouraged. Concrete block is permitted; however, the foundation is to be covered in stucco; so as to disguise the block joints.” Does that now mean that because it’s in the Revised Code, that whoever is putting in the building now has to follow that particular rule?

Robin Davis: I would say that that question; I’m not going to shut you off; but the question should have been asked during the actual discussion of the application. We’re now basically talking about procedures, which is not on the agenda and I don’t want to cut you off; I’m not trying to turn it off, one way or the other; it talks about stucco to cover the joints. If there is a block there, I don’t know if there is going to be a joint. I would guess you could call it splitting hairs; I don’t know. I understand. I will go back to Mr. Warrington’s; nobody asked about Mr. Warrington’s foundation; about stucco or the shed that was approved the last year on Broad Street; same thing; there was nothing brought up about it. I think when you talk about foundations, they do lean more towards what the foundation on the house would be; or a garage that you’re going to have a foundation in; smaller sheds, and I’m not saying that the applicant wouldn’t put a foundation in for a shed. I’ve seen it done, but I’ve seen it on four corner blocks; that said; but I’ve seen it also too where the corner blocks are just low enough that you might only have an inch or two; and the next thing you know, you get leaves blowing up against the shed and you never know what’s under there as far as the foundation. It’s probably a thing that needs to be looked at; it’s the same thing that we talked about with when you are talking about demolishing structures and in the definition of a structure is a fence; do you have to get a structural engineering report to demo a fence? I think you have to be practical on some of the things you’re looking at and have to look into that Code and work around certain things, to be a little bit practical about it and I don’t know if the Powell’s were putting in a foundation around it; I would say yes; that would apply, because you’re covering it up. But if you’re putting in corner blocks, I don’t know if that would really apply. Somebody could get up here and tell you, you tell me different and that’s fine too. But I don’t know that. Right now, that’s as far as we can go with that.

Michael Filicko: Thank you, Robin.

Dennis Hughes: Also, Robin, just again, too; this is information; this is not anything discussed in the Code, and it doesn’t have anything to do with Mr. Powell.

Robin Davis: Do we want to adjourn first?

Dennis Hughes: Yes, let’s adjourn. We have a motion made and seconded to adjourn. All in favor say aye. Opposed. Motion carried. Again, thank you.

Amy Kratz: Thank you so very much.