

**Town of Milton
Board of Adjustment
Historic Preservation Board
April 24, 2007**

Members Present:

Jack Vessels	Brenda Burns	Matt Dotterer
Larry Savage	Margo Goodman	Denise Suthard
Marion Jones		

Others Present:

Robin Davis

The meeting was called to order by Marion Jones at 7:03 pm

Correspondence

Marion Jones: We received two resignation letters and before I read those, I'd actually like to make the introductions since everybody's here. Brenda Burns, who sat on the Board of Adjustments prior, had resigned to seek election. She was reappointed again and serves on the Board. Margo Goodman and Denise Southard are new appointments this year, so we welcome them. (Marion read both resignation letters, from Joannie Martin-Brown and Sarah Harkins, into the record.)

Elections

At the beginning of each year following the April appointments, according to the Zoning Ordinances of the Town of Milton, under the Board of Adjustments section, 11.01, the Board of Adjustment so selected, shall elect from among their own number a chairperson and a secretary. So we need to do that this evening in order to continue with the meeting.

Denise Southard: I would like to make a motion to put Brenda Burns in as Chair. Matt Dotterer: I would like to make a motion for Marion Jones for Chair. Marion Jones: Roll call. Is anyone else willing to serve? This is a voluntary position. Anyone else? Then the nominations are closed and we'll take a Roll Call vote.

Denise Suthard:	Brenda Burns
Margo Goodman:	Brenda Burns
Larry Savage:	Marion
Matt Dotterer:	Marion
Brenda Burns:	Brenda Burns
Jack Vessels:	Brenda Burns
Marion Jones:	Brenda Burns

Brenda, you need to take over the...change chairs if you'd like.

Brenda Burns: The next item on the agenda would be the election of a secretary for the Board of Adjustments. Any nominations? Margo Goodman: I nominate Marion Jones. Marion Jones: I decline. I served. Thank you. Brenda Burns: Denise, would you be

willing? Denise Suthard: No. Brenda Burns: Margo? Margo Goodman: No, I'd prefer not. Brenda Burns: Larry? Larry Savage: No, not my cup of tea. Brenda Burns: Jack, that leaves you. Jack Vessels: Negative. Brenda Burns: Okay. Margo Goodman: No secretary. Robin Davis: The P & Z Commission went through the same thing that's happened here, they did not have a nomination for secretary, so they just went without it this time. We are probably going to have to review that with Mr. Brady, our solicitor, because it does say in there "you shall have a chairman and a secretary". But as of this time, if nobody's nominated or nobody wants it, we're going to have to just probably move forwards and then we'll review it and see what happens, maybe next meeting.

Additions or Correction to Agenda

Brenda Burns: Does anyone have any additions or corrections? Jack Vessels: I move for approval of agenda. Larry Savage: I second. Brenda Burns: Motion made to approve agenda, all in Favor, say "Aye". So approved.

Item #1

The first applicant is Ted Kanakos, requesting a building permit to install a fence on his property located at 106 Broad Street, further edited by Sussex County Tax Map and Parcel 2-35-14.19-75.00 and 2-35-14.19-75.01.

Brenda Burns: Mr. Kanakos, would you like to say anything? Ted Kanakos: I am making an application to put a fence around my property which are two lot that join. I handed in some photographs, I don't know if you had a chance to view them, and the picket fencing itself is a very nice job. Basically it is to identify the property and there are an awful lot of problems with dogs and I'm getting tired of picking up after other people's animals. Anyway, it's a way of identifying what you have. Brenda Burns: Is it a vinyl or wooden fence? Ted Kanakos: It's wood, no plastic. Margo Goodman: Is the existing fence yours, in the picture? Ted Kanakos: No. Brenda Burns: Does anyone have any further questions? Would anybody like to make any comments? Larry Lavage: I move approval. Marion Jones: I move approval. Margo Goodman: Second. Brenda Burns: So noted. Ted Kanakos: I would also say that I am going to put the good side facing my neighbors, which I think it is anyway. Brenda Burns: Roll call vote.

Jack Vessels: Approve
Marion Jones: Approve
Matt Dotterer: Approve
Denise Suthard: Approve
Margo Goodman: Approve
Larry Savage: Approve
And I: Approve

So noted.

Item #2

The Episcopal Church, St. John the Baptist, requesting a building permit to move and renovate the existing announcement sign; to move the existing pole sign at the property located at 307 Federal Street, further identified by Sussex County Tax Map and Parcel 2-35-20.07-104.00.

Brenda Burns: Would anybody like to speak on behalf of the Episcopal Church? Gary Lorrick: I'm the Junior Warden of the Church Council and the request for the sign is primarily for visibility. The sign, as you know is up against the church as you can see by signs currently, but that was done probably 50 years ago when people walked every place. Right now there are people having trouble locating the building because the sign is not available for them to see when they're driving a car. Basically, we made a presentation before and we understand the reasoning behind being rejected. So we talked to couple of our neighbors and asked them would it be appropriate to move the existing sign, which happens to be a memorial, and is in bronze, and has been there for over 30 years, and then move it perpendicular to the street, and having a second side put on it so it can be seen from either direction, backlit, and have it constructed of the material similar to the material that is presently there. I'm not sure that the sign company can get the bronze material, but it will be compatible so it will look the same from both directions. It would be like the present one. It will be on a timer; it will go on at dusk and go off probably 11 or 12 o'clock at night, so it wouldn't bother neighbor's sleeping. The thing that we run into, I know there's an ordinance about 2 signs on a property, but sometime before the overlay commission was here, there are 2 signs there and we were planning to move the second pole sign, which again is another memorial to the back of the property which will then be considered Prettyman Street. And as you can see by the photographs, I've done my best to overlay to give you an idea of what it would look like and I've driven the property to see if it would obstruct anybody trying to turn or passengers or people walking up and down the street, and I personally can't see that it would obstruct the flow of traffic in any way. You also have a plan of where it would place on the property within the proper setbacks required by the city. Any questions? Marion Jones: There are a lot of different descriptors for the sign that you have presented. The changeable sign however, the illuminated sign, when you say backlit, is that internally? Gary Lorrick: Yes. There will be no visible source of light, like currently there are fluorescent tubes there. As you know when you drive by they are rather blaring. Marion Jones: And there will be no lighting on the pole sign? Gary Lorrick: No. That's not necessary. That happens to be a memorial and it's sort of like a little sacrosanct age to throw it out. So we have to put it some place and we thought the basement was probably a little inappropriate. Brenda Burns: Would anybody like to make any comments? Would someone like to make a motion to approve or disapprove? Jack Vessels: I move approval. Margo Goodman: I second it. Brenda Burns: We'll do roll call vote.

Jack Vessels: Approve
Marion Jones: Approve
Matt Dotterer: Approve
Denise Suthard: Approve
Margo Goodman: Approve

Larry Savage: Approve
And I: Approve

Congratulations. Ted Kanakos: Thank you.

Item #3

Applicant, Robert Chambers, requesting a building permit to construct a detached garage, install a fence and install driveway pavers on the property located at 206 Chestnut Street, further identified by Sussex County Tax Map and Parcel 2-35-20.07-96.00.

Matt Dotterer: I've got to recuse myself from this one. I drew up the plans. Brenda Burns: Ok. Robert Chambers: I am the owner of 206 Chestnut Street. I provided a package to the Board if you would like to go through that. The first page is the plat for the property and it shows the location of the new garage. As far as the fences are concerned, they are going to go down the sides of the property starting at the rear line. They are not going to the front of the property; they are stopping about midway. The driveway is to the left of my house and right now it's just grass and primarily dirt and that's the driveway that I want to upgrade. Brenda Burns: I saw in your request that you said it would be somewhat like 208 Chestnut and he just has pavers for the tires. So it's not going to be the entire driveway, just two rows of pavers? Robert Chambers: Right. It will be the same effect. When I get up to the top, near the rear of the house, I have a carport and the garage is going in the yard behind the carport. So there is an area in front of the garage and off the side of the carport that I will be using as a turnaround, so that's going to be a combination of pavers and cement. Brenda Burns: So what are you going to have between your pavers? Just grass? Robert Chambers: Just grass, right. I also provided a c. 1916 picture of my house and that was simply to show that the way the house looked then is pretty much how it looks today. If you also note on the right hand side of the house there is a picket fence. The next page is a picture of my house and it is clapboard, and the garage is going to be a cement board, clapboard look-alike. The house has an asphalt roof and it's going to be same on the garage. The colors that are on the house are going to be the same on the garage. The lower picture shows a view from my front porch and that is the Goshen Cemetery. The next page is the neighborhood: 202 Chestnut is at the corner; 208 Chestnut which is my neighbors to the left and you can see the driveway on that picture; and 210 Chestnut which is one house up and the picket fence on the left of the picture, we are going to copy that picket fence; that will be the design we are using, it will be wooden, 4' high and it will look like that in the picture. The next picture on the next page shows the differences in the driveway when you use the pavers vs. just, having the grass which is pretty non-existent. I have also been talking some contractors about using pressed cement as opposed to pavers and looking at that, and the pressed cement literally looks like the pavers and they're both cement. As I mentioned before, the area in front of the carport and the bib area in front of the garage, is going to be a combination of pavers and cement, and that will allow for turn-around. The next page shows the view of the garage from the rear of the property looking towards Chestnut Street. There's a chain link fence there and that is what is going to be replaced by the picket fence. The garage is going to 6' in from the fence line and the fence line is on the property line. The next picture shows the carport and if you look straight down

from the headlight of the car, you'll see a stake; that is the front of the garage. The front of the garage is 14' to the rear of the carport. The next sheet shows the neighbors outbuildings. My garage is going to be built parallel to the 208's outbuildings and it will be 17' from the rear property line. It's going to be 18' x 30' x 16' with hardy back plank siding and a cement floor. The next page is the detail on the picket fence which I've already gone over. I'm also proposing to put up picket gates between the house and the fence on the Mill street side and the garage and the fence on the other side. Brenda Burns: Does anybody have any questions? Marion Jones: You have in your plan here, and I was in the back yard, and you have 2 outbuildings; one will definitely have to be moved to make room for the garage. Where is that going? Robert Chambers: The 8 x 10, if you look at the plat, it is on the other side of the lot in the rear, and the outhouse will be taken away. Marion Jones: Okay, because there is a provision that there must be 5' between that and another accessory building. And my question for Chairman Burns is, since the applicant has come before us to install driveway pavers, is that something that needs to be declared in front of this Board whether it is driveway pavers or stamped cement, or is that something that can be updated as we go along? Brenda Burns: I don't see that it makes a lot of difference, they are very similar. With the finished product, I don't know if you're going to be able to tell the difference. Robin Davis: I know it says in the ordinance it states "like or similar materials", so I think you're looking into that area. Marion Jones: Either way they'll still be the two lane? Robert Chambers: Yes. Brenda Burns: Let me ask you this, when you do the stamped concrete, is it going to be colored or is it going to be cement color? Robert Chambers: It will be colored; it will be like a red, brick color. Brenda Burns: Any other questions? Does anyone have any comments? Would anyone like to make a motion for or against this applicant? Denise Suthard: I make a motion to approve this as discussed. Larry Savage: I second. Brenda Burns: Thank you. We'll have a roll call vote.

Jack Vessels: Approve
Marion Jones: Approve
Matt Dotterer: Approve
Denise Suthard: Approve
Margo Goodman: Approve
Larry Savage: Approve
And I: Approve

So moved.

Brenda Burns: We have change in the original agenda and originally the next applicant was to be heard under the Historic Preservation Board, but it's going to be heard by the Board of Adjustments because that is in the ordinance. We are all the same.

Item # 4

Applicants Jim & Barbara Wagner, requesting a demolition permit for the house located at 409 Federal Street, further identified by Sussex County Tax Map & Parcel 2-35-20.07-43.00.

Jim Wagner: I think we've attached a letter from the engineer describing the deteriorating conditions of the house. We previously got permission to renovations and we found that the structure is much worse than we anticipated and we'd like permission to demolish it and our thoughts are we will end up building a replica of that existing house. Brenda Burns: This is an historic home and I noticed some of the things that were sited in this letter were termite damage; there's not a house in Sussex County that doesn't have termite damage. I understand you did hire a contractor to work on the house and he took out quite a bit. Has that contributed to destabilizing the house? Jim Wagner: We did hire a contractor. And no, I don't think so. Brenda Burns: Does anyone have any questions for Mr. Wagner? Marion Jones: Mr. Wagner, what was the purchase date on this home? Jim Wagner: The purchase date was October of 2006. Marion Jones: Was there a home inspection done at the time of the sale? Jim Wagner: No. Marion Jones: Was there a termite inspection? What was it showing? Jim Wagner: Yes there was. Well, the conditions of the crawl space were such that he could not do a very thorough inspection but he did indicate there was some termite damage to the house. Marion Jones: Was there a reason there wasn't a home inspection done at the time of the sale, in your case purchase? Jim Wagner: I wish we had. Marion Jones: Nothing against, here the applicant, but I would like to go on record that I would like very much to be able to review the February minutes where you appeared before us with a certified engineer. Is that correct? Jim Wagner: Yes, they are siblings of yours. Marion Jones: I am not able to review those minutes and there was a lot of information in those minutes, and I had a feeling your builder was really on target at everything getting done. It was pretty cut and dry that night. Jim Wagner: I believe our engineer, Mr. Redden, is here this evening and could answer questions about what he's found. Marion Jones: I read over Mr. Redden's report and do not feel qualified to debate a structural engineer's report, I'll say that for the record. However, as a lay person, what I continue to read from Mr. Redden's report was the financial hardship over and over again. Jim Wagner: I recognize that that's not the overriding issue. Marion Jones: Correct. Because in an old house when it says the brick foundation is crumbling, the walls are out of plumb, studs are misaligned; that is inherent to, I believe, any old house anywhere you go. So again, not being a position to debate Mr. Redden's survey, but my question to this Board would be, and I ask this of the city solicitor today, whether or not, since we don't have a structural engineer to call upon for a reciprocating report... Brenda Burns: Actually we do. Marion Jones: We do? Because I was going to ask about Mr. Kerr to at least take a look at the... Brenda Burns: No, we can hire an engineer because this is a historic district of some significance. It's the original Wiltbank property. We feel that we would want to table this at this time. We would all like to look at this house as well. We would like permission to go in and look ourselves. Barbara Wagner: We have been told that we put this out to bid from contractors because we were not pleased with the way that the contractor was doing the work that didn't seem to have a logical plan. We put the house out for bid; we asked a friend's builder who did historic houses near Wilmington and he went on a Sunday, he called us at 8 pm Sunday night and said that he felt the house was so unstable that he thought that we should make sure that there were no workman in it beginning Monday morning. And as we have talked more with the Dreason's, to tell them that we were not going to proceed, they have begun writing down all of the issues that they told us but that we didn't fully understand what the significance was of their

words. This house was moved onto a new foundation but there was foundation without house, so that water has been running into the house since it was moved. It's covered with a deck and so the water has undermined. The second floor joists sag so, that they've jacked and they've jacked and they've jacked and they can't straighten anything. It's like a house of cards and it's not safe to.... Brenda Burns: So you are saying that you would not want us to go through and review the house. Barbara Wagner: I'm worried. I don't have insurance for that. Brenda Burns: The Town would hire us their own structural engineer and I guess we would need permission to go in and do a separate inspection. Barbara Wagner: This is the 10th house that we've restored. We've never come across anything like this, when it was gutted. Brenda Burns: Well, it's very unfortunate, but the fact is, before we demolish another historic property in the town of Milton, we want to make sure that it is unsalvageable. We want to make sure that it can be saved. This is part of our heritage and the history of this Town and we just are not going to grant a demolition permit without our own evaluation. So... Barbara Wagner: It's been financially devastating to us. Brenda Burns: I'm sorry about that, I'm sure it has. Barbara Wagner: And I don't believe that they are true engineers. Brenda Burns: Who is that? Marion Jones: The people that appeared before us; that came in February. Brenda Burns: I would like to make a recommendation that we table this for a month until we can get our own engineer in. Would anybody like to make a motion to that affect or any other motion to approve? Matt Dotterer: I would first like to have a chance to at least ask some questions. One of my first questions was also the home inspection if the person was qualified or certified but he said no. In the engineers report, no offense to Mr. Redden, I just want to see where the photos were from the report, because there wasn't anything supplied to us as far as... Mr. Redden: I brought some. Matt Dotterer: because the only photos that I have are actually the same ones as last month showing the exterior which if you look at any other house, it looks similar to all the other houses. It's nice to have the photos here but it's just as nice to be able to absorb them through time just like we have with the other photos here, but I am going to go through some of these other questions too. Do you by chance know if this is listed on a National Register of Historic Places? Jim Wagner: Not as a specific house. It's in the district. Matt Dotterer: I understand that otherwise it would be torn down. My other question was is it a hazard to the public or a hazard to the people inside, of course, the people inside being the public. The main question I had was also about the photos and I just don't have enough time to go reviewing through these and saying this is definitely structural. I'm not a structural engineer myself, I'm just a CAD technician or a draftsman. Jim Wagner: Neither am I. Brenda Burns: Does anyone else have any questions? Larry Savage: What was the condition of the house when you bought it? Had it been gutted? Jim Wagner: It had not been gutted. We had that done. Larry Savage: You know what type of wood he's using to frame it? Jim Wagner: I do not. Oak. Brenda Burns: At this time we will allow the public to make any comments or questions but please keep them rather brief. Mary Hudson: I live at 406 Union Street and I would like to say that I agree since the previous minutes have not been made available and I'm certainly glad that you will have a structural engineer look at the house, because I think there should be some documentation as to its condition from the Town's side. Living in a home in the historic district, I think it is absolutely essential not only to maintain the property value of those of us that have homes in the historic district but also to preserve these homes to maintain

the character of our Town. ??: Mr. Wagner, when you purchased the home in October, were there any conditions that were pointed out or was the house sold as is? Jim Wagner: It was sold as is. I guess I would like to reiterate two things: one we do intend to build a replica of the house and possibly even salvaging some of the existing features, the gothic features, and two, the house has been moved to this location, it's not the original site for this home. Jim Welu: I want to first comment from everything I've heard Mr. Redden comes to us with excellent credentials as a structural engineer and I don't think we can doubt his structural analysis, however, I think when you are looking at a historical house you may need a historic architect engineer type to look at the property. I've probably been called a fool more than once in my life. I know I was when I purchased 1884 house in Tacoma Park, Maryland. The first question the Town asked me was when I was getting my demolition permit. We turned around and went to the head of the Historical Society for the State of Maryland; we got a historic district declared rather than getting a permit to demolish the building and it is still standing and in fact I just had it inspected by Montgomery County, MD on Monday and there are very few things that need to be done as property owner. I would be very interested in looking at any structural information that this commission or board is able to get from their engineer. I would like to discuss this more with maybe Mr. Redden at some point. When I looked at this, and this just occurred to me this afternoon after I saw it, there was even a meeting on it I didn't know anything about it, that if the building is demolished and I don't know anything about the history of it other than was Ms. Burns said, once it's down we have a vacant lot and I would be very interested after a thorough study of the property on my own, and with an engineer or whoever is looking at it, I would be willing to trade the Wagners one of 4 vacant lots that I own in Town... Brenda Burns: Mr. Welu, this is not the place to negotiate real estate; that's something you can discuss with them at a later time. Jim Welu: The other thing I would say is that I don't think any building probably of this nature is irretrievable. Brenda Burns: Thank you for your comments. Does anyone else in the audience wish to make any comments or have a question for the Wagners? Marion Jones: I have a question. Did the original contractor that you hired, did they make this property worse than it was? Jim Wagner: No they didn't. Barbara Wagner: They just revealed what was wrong. Brenda Burns: We do have a comment or letter from Joannie Martin-Brown (which was read to all in attendance). Would anybody? Bill Bell: 422 Chestnut Street. Although I can sympathize with the owner's situation, I would strongly also urge that if you are going to have some sort of structural inspection, and I'm not an engineer, let it be someone familiar with the historic home structural integrity. I've restored my home and some of the thing talked about, many homes in Milton have been affected by them. I would hate to see a home torn down just because some damage, walls out of plumb, so I would urge somebody who is an engineer from the perspective of historic homes as opposed to just an engineer who may say the walls are out of plumb. Sometimes they are and it's fine and sometimes it's going to fall over; that's why we need that person I think. Barbara Wagner: I just want to make a comment. I'm a former chair for the Historic Preservation Commission in Montgomery Co., Md., and I'm not doing this lightly. We've been living in the historic district since 1976, we were instrumental in starting the Kensington Historic District and getting it recognized on the National Register. This is not something that we take lightly at all. We would never be here if we were afraid that this house is unsafe. We've done, this is our 10th house. We have

not ever had a house where the foundations won't support the house. If we raise this house up, it will crumble while you're putting the foundation in, that's my prediction. Brenda Burns: Any comments from the Board? Any other questions. Would anybody like to make a motion? Marion Jones: I'll make a motion that we table this application until such time as the Board can request a structural engineer, someone knowledgeable in historic preservation, that that report and the minutes from February, from the Wagner application, be provided to the Board prior to the next time the Wagner's come before us. Larry Savage: Second. Brenda Burns: So noted, a motion to table the application and have an engineer with historical preservation background. We are going to do a roll call vote.

Jack Vessels: Approve
Marion Jones: Approve
Matt Dotterer: Approve
Denise Suthard: Approve
Margo Goodman: Approve
Larry Savage: Approve
And I: Approve

So carried. And hopefully we can have that done soon not to hold you up.

Denise Suthard made motion to adjourn. Marion Jones Second.

Meeting for the Board of Adjustments and Historic Preservation Board was adjourned at 7:52 P.M.