

**Town of Milton
Board of Adjustment
Historic Preservation Board
June 26, 2007**

Members Present:

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

Others Present:

Robin Davis

The meeting was called to order at 7:02 pm

Brenda Burns: The first order of business this evening is going to be a...we need a secretary and I was told by Mr. Brady, the Town Solicitor if no one volunteered, then I was to appoint someone. So I am going to ask once more if anyone is willing to fill that position, and I am going to do a roll call.

Jack Vessels: No

Marion Jones: Thank you, No

Matt Dotterer: Negative

Denise Suthard: No

Margo Goodman: No, thank you

Okay, it's unanimous again. So what I am going to do is I am going to appoint someone and that's going to be Mr. Dotterer.

Matt Dotterer: I'd like to decline, definitely. No thank you. Thank you anyway.

Marion Jones: Madame Chairman, I'll take the position until my term finishes in April.

Brenda Burns: Thank you so much, Mrs. Jones. We certainly appreciate it. You did a fine job last year and I think you would be very good. Thank you.

Marion Jones: Thank you.

Brenda Burns: Okay, moving forward.

Additions or Correction to Agenda

Brenda Burns: Are there any additions or corrections to the agenda? We do have an amended agenda and I see, well one thing that wasn't on there was the appointment of a secretary but that's taken care of. So, hopefully everyone has looked this over and do we have any additions or corrections at this time?

Denise Suthard: The spelling of my name; there's no O.

Brenda Burns: Your name is misspelled? Okay. Ms. Jones, please note that.

Marion Jones: One moment, would you give me your correct spelling, Denise, please?

Denise Suthard: Yes. S-u-t-h-a-r-d.

Marion Jones: Thank you.

Brenda Burns: So, does anyone make a motion to approve the agenda?

Jack Vessels: So Moved.

Matt Dotterer: Second

Brenda Burns: Thank you. All in favor – Aye. Opposed – None. So moved.

Approval of Minutes

Brenda Burns: The next item is approval of minutes and we have 3 months to look over here, hopefully we've all done that and...

Marion Jones: I move that we accept the December 14th, 2006 minutes as written.

Matt Dotterer: Second.

Brenda Burns: Alright. All in favor – Aye. Opposed – None. So moved. Okay, the next minutes would be the February 27, 2007 minutes. Do we have any changes to that?

Marion Jones: I move that we accept February 27, 2007 minutes as written.

Matt Dotterer: Second.

Brenda Burns: All those in approval – Aye. Opposed – None. So moved. The last month would be April 24, 2007 minutes.

Marion Jones: I have a correction those minutes and a request if I may.

Brenda Burns: Alright.

Marion Jones: This is the only set of minutes that were not numbered, and once separated were very difficult to put back together; I would so request. Thank you. So I'm not sure what page I'm on, 1,2,3 from the back page, more than a ¼ of the way down, less than a ½. Mr. Wagner, in the middle of the page says when questioned, let's see, "nothing against the applicant but I would like to go on record that I would like very much to review the February minute where you appeared before us with a certified engineer. Is that correct?" Jim Wagner, "Yes, they are siblings of yours". I think that is "siblings of ours", as they are not my relatives and I addressed the question. Is that not correct? I do not know if they may respond or not, that's up to the chairman.

Brenda Burns: You know what, I am not on the page you're on. What page are you talking about.

Marion Jones: I'm sorry, I can't.

Jack Vessels: What's the first line of that page?

Marion Jones: The first line of that page starts with "Jim Wagner: I think we've attached a letter".

Brenda Burns: Okay. Thank you.

Marion Jones: I either do need clarification or I can tell you they are not siblings of mine.

Brenda Burns: Okay, how would you like that changed, Miss Jones?

Marion Jones: Well, I would have changed it to "siblings of ours"; however, I notice that the applicant in the audience is noting that perhaps the content is not correct at all, so I defer to Madame Chairman on how you would want to handle it.

Brenda Burns: We're you stating at that time, Mr. Wagner, that the engineer was a sibling of yours?

Jim Wagner: No.

Brenda Burns: No. Would you like to clarify that because I am not understanding this at all?

Jim Wagner: I believe that I probably said "civil engineer".

Brenda Burns: Civil engineer, okay. Well, we will check that on the recording and then I think we should leave this open until the next meeting to clarify that that is what was said. So, I would like to say that we should hold off on approving these minutes until next month. Any one opposed to that?

Jack Vessels: You wouldn't rather just accept them with that correction?

Brenda Burns: Well, that's, you know, hearsay. I think we should listen to the tape to make sure that's actually what it says.

Robin Davis: We could correct them if you want. I mean once I listen to it, if that's what it says, or whatever it says, I can correct it.

Brenda Burns: Okay, well then we can do that. Somebody want to make a motion to that?

Marion Jones: I make a motion that we approve the April 14, 2007 minutes with the corrections/additions are made after the tape is reviewed a second time.

Jack Vessels: Second.

Brenda Burns: All those in favor – Aye. Opposed – None. So moved.

Historic Preservation Board

Brenda Burns: The first application is for:

The applicant, James Welu, is requesting a building permit to make changes to the front porch, repair livery stable roof and install a fence on the property located at 420 Chestnut Street further identified by Sussex County Tax Map and Parcel # 2-35-20.07-36.00.

Mr. Welu, do you have anything to say? We did receive your packet?

James Welu: Yes. I am the owner of 420 Chestnut. I purchased it in 1975. A little bit of history on the property. The back half of the property was built sometime before 1850 and by the Historic Society's records it's know as the James Wilson House. He purchased it in 1850 but it was an existing property at that time, so the back half probably goes back into the early 1800's. Our concern tonight is really with the front half of the house which was built in about 1880 and it's a very simple gothic, 2-1/2 story addition to the front. And what I am proposing is to take down, at some point someone took 1 x 4's and framed out the front porch area and put screen on it, and I am proposing to take that back off, get to the original pillars and then put in a railing along the edge of the front porch very similar to the railing on both of the McGee, Cpt. McGee's house is a little further down on Chestnut Street which were, I believe, built about the same time. And then I was proposing a small, about 3 or 3-1/2', picket fence with gothic pickets that would pick up on the gothic windows on the 3rd floor of this property. Just to stem from the front of the house, the front stairs, to the left as you face the property, which is, I don't know maybe 16' at the very most. And then wrap the corner maybe 8' just to kind of set the front off. On the right hand side as you face the house, I wanted to put more of a privacy fence, using the same gothic pickets. But coming out from the house, parallel to the front of the house, not the porch, and take it out to, there's a tree there in the driveway and then just wrap it back basically to shield or hide the oil tank that services the heating boiler. The little item that is on the agenda is not really for your consideration this evening. It was on the information I gave to Robin but it's basically just a repair of

the old livery stable. I need to redo the roof; it's a metal roof and I am going to put a new metal roof on it and a couple of the front supports have rotted away and I'm just going to replace those, so that is more, I think, a permit issue than an issue for the Historic District Commission. Just for your interest, the livery stable is mentioned in the deed back in 1850 as part of his purchase. It was the house and the livery stable. Do you have any questions? Oh, by the way, I am planning to do the fence and the railing all in wood, not, I don't want to use vinyl, I know it's much better for maintenance long-term, but I just don't like the light shining on it when people drive by at night. I just don't like the appearance.

Brenda Burns: Okay, so you are saying on picture # 5, which is hiding the oil tanks, that's going to be a privacy fence?

Jim Welu: Yes. That would probably about the height of the very bottom of the windows which is maybe 4, 4-1/2', I would think at the most.

Brenda Burns: And that's going to be wood also?

Jim Welu: That will also be wood, and I'll also use the gothic pickets. I'll just put them closer together so it really kind of shields them. And I was going to come out, I think, past the tree, but we're going to, there's actually 3 oil tanks there and I think we are going to dispose of 2 of them and just keep one, so I won't have to come out quite as far and I can just extend back to cover it.

Brenda Burns: And on picture #1, which is the porch, you are going to remove all of the framing for the screen and the screen door, correct?

Jim Welu: Right, and...

Brenda Burns: And then you're going to add pickets that you're showing an example of...

Jim Welu: Yes. That's the McGee house there.

Brenda Burns: Okay. And then number 3, that's where you are wanting to put the picket fence, near the sidewalk?

Jim Welu: Yes. Well, that actually will be back...

Brenda Burns: The corner of the porch? Starting at the....

Jim Welu: It will go from the corner of the porch, so I can do some plantings between the sidewalk and the fence. It will be about 2 or 3' there, take it to the corner, then go around the corner, just to kind of wrap it a little bit.

Brenda Burns: Well, you mentioned and you showed an example of it, is this the fencing that you are talking about using? This picket fence?

Jim Welu: Yes.

Brenda Burns: Very much like that?

Jim Welu: That is the property at the corner of Atlantic and Chestnut, right next to, well it would be on their, the south side of their property.

Brenda Burns: Okay. Alright. Well, thank you very much Mr. Welu.

Jim Welu: Okay.

Brenda Burns: Does anyone else have any questions for Mr. Welu?

Marion Jones: I have a question of Robin on the application alone. Here the sample material is crossed off. Is that because you have it and it has been satisfied or it was not needed?

Robin Davis: Since he has a picture of what he was doing, showing with the wood, it wasn't no sense in having him bring a sample in, if knowing that the, showing a picture and then stating it was going to be a wood type material.

Marion Jones: But there is actually already on that property at this location, 420 Chestnut, there is no fencing yet, correct?

Jim Welu: I'm sorry, go ahead.

Marion Jones: You have no fencing on that location yet?

Jim Welu: No, there's no fencing there now.

Marion Jones: Thank you. And I want to thank you for the package you presented. This made things easy.

Jim Welu: You can thank Walgreen's for making good pictures.

Brenda Burns: Does anyone have any questions for Mr. Welu?

Margo Goodman: Just really the placement of the fencing, if you could expand a little more. You have one starting at the porch, the other starting at the house. I've driven around and haven't really seen anything else resembling such.

Jim Welu: The concern is that the one is, at the front, it starts at the front of the porch on the left side and the other one I was going to put back flush with the house.

Brenda Burns: Well, why would you want to...well, why wouldn't you want it to be the same on both sides if you're going to start from the corner of the porch on one side, why wouldn't you do that on the other? Why would you want a setback that's much deeper?

Jim Welu: Well the privacy fence, you know, I don't want to have it...you have a side porch that's going to be open with a railing, so I wouldn't want it that far forward.

Brenda Burns: Oh, okay. I see what you're saying. That's privacy fencing on that side, you're not going to have the pickets on the other side at all.

Jim Welu: It'll be pickets on the porch. Like if this is the porch, there will be pickets like this, and then the privacy fence would start so it wouldn't obstruct the porch.

Brenda Burns: Okay.

Jack Vessels: I think maybe your idea's so you don't look through the porch pickets and still see the oil tank.

Jim Welu: Right. Or if you are driving down the street you're not looking through the fence and you miss the porch.

Brenda Burns: Does anyone else have any questions or comments? Would anyone like to make a motion to approve or disapprove this application?

Jack Vessels: I make a motion to approve it.

Marion Jones: Second.

Brenda Burns: Lets have a roll call vote, please.

Jack Vessels: I approve

Marion Jones: I approve

Matt Dotterer: I approve

Denise Suthard: I approve

Margo Goodman: I approve

Brenda Burns: I approve as well

Jim Welu: Thank you very much.

Brenda Burns: The second application is for:

The applicant, Melissa Reed, is requesting a building permit to install a sign above the rear entrance of the beauty salon located at 113 Union Street Unit C further identified by Sussex County Tax Map and Parcel # 2-35-14.19-184.00.

Are you Miss Reed?

Melissa Reed: Hi. I am interested in putting a sign over my back door that's almost identical to the one over my front door just so the people going to the concerts in the park and things like that can identify my building from the other ones, so it will be the same, almost the same size at the front. I believe the one at the back will be 14-1/2" tall by 8' long. I'm not sure what my exact dimensions are on the front, but it will be exactly the same color, same lettering.

Brenda Burns: Does anyone have any questions for Miss Reed?

Marion Jones: Back in December, Richard Reed came before the board and received approval for six 2 x 10 signs, one of which would be located in a business in the back, and one 48" x 55". According to ordinance 8.2.2 you are allowed a 1.5 s.f display for each lineal foot of your building frontage facing a main street or a highway. My calculations in December put you at using 20 s.f., with a 2' x 10'. Someone then added a phone number sign on the front of the shop, so I'll give that another square foot. That leaves you one square foot of signage ability according to Town Center sign allowance and what you're requesting in the back is a 9-3/4" s.f. which would be your 14" x 8' sign. My issues were this; in the back of the building you have not improved walkway to your shop. You have only the wellness center which has a boardwalk type material which leads directly to its door. A walker or client would have to come off of that wood and step onto crush and run type material to come to your shop. I myself, since you do not abut to a roadway on the back side, this ordinance therefore doesn't apply to anything having to do with the back of your shop, but I take into consideration that is what is in the back of your shop is a public park. I, for one, do not think that we need to inundate the public with commercial signage in a family public place – my opinion. What I do note, and what you might think about taking away with you or however the board decides, under Town Center signage, you are still allowed a sandwich board.

Melissa Reed: It'd be in the front or the back, does that matter?

Marion Jones: I don't see anything that says anything about where that placement is, and I don't know who would make that decision. I only know under the ordinance that and an awning is all you have left to you in square footage allowance by ordinance.

Melissa Reed: Do you honestly think that somebody's going to see a sandwich sign from the park?

Marion Jones: I honestly don't have an opinion on that, but I do think they would see a 48" x 8' sign from the park and I don't think that's where commercial signage belongs, and I don't think I see anybody along the line, Irish Eyes or anybody, that commercial signage that you're asking for. However, I am only one member of this panel. Thank you.

Melissa Reed: That's my point, that's why I'm here.

Brenda Burns: Does anyone else have questions or comments? Would anyone like to make a motion? Well, first of all, Robin would you like to clarify the ordinance regarding signs in Town Center?

Robin Davis: Okay, she's looking at adding what would be a wall sign. If you look in Sect. 8, which is for signage...

Brenda Burns: 8.2.1

Robin Davis: Okay. In Town Center wall signs are allowed. If you go under the wall sign which is 8.2.4, it has a list of 7 items that have to be adhered to. I'm looking at #6; it says only one wall sign shall be permitted per façade. Façade, if you look in the front, under the definition, is the face or front of a structure or any vertical surface adjacent to a public way. If you classify the back of that building as a public way, then that would be another façade.

Marion Jones: I do not personally; it has no improved walkway to its door.

Robin Davis: That would be something up to the board to make a determination whether they feel it's an area of public use.

Marion Jones: And I understand that, but it's confusing if you read 8.2.2, the total display area of all signs, including window, wall, ground and awnings, and excluding sandwich board signs, permitted on a single lot shall be 1.5 s.f. of display area for each lineal foot of building frontage facing the main street or highway. Mrs. Reed's application says her building is 15' wide.

Melissa Reed: The front of my building is 15' wide. The back of my building is about 24'.

Marion Jones: I understand that.

Melissa Reed: It just has a little different in the back.

Brenda Burns: I would like to make a comment. I think it's the responsibility of the Board of Historic Preservation to preserve the integrity of the downtown, the aesthetics of the downtown and I think that by approving this we could set a precedence that you know a lot of businesses that are lined up along the river and the park eventually have signs facing the park. I don't know that that's the most sightly thing for the town events. But that is just my opinion, so would anyone like to make a motion to either grant or deny this request?

Marion Jones: I make a motion that the board denies this request as written?

Brenda Burns: Do I have a second? Well, let's have a roll call vote.

Marion Jones: You can't.

Jack Vessels: You can't without a second.

Brenda Burns: So nobody wants to make a motion... Okay, does anyone want to make a motion to approve this sign?

Jack Vessels: May I ask another question?

Brenda Burns: Sure, certainly.

Jack Vessels: In your picture here, is this door to your shop?

Melissa Reed: Yes.

Jack Vessels: It is to your shop.

Melissa Reed: And then there's, to the right hand side, if you're looking at the picture, to the left, is the bakery and to the right there is nobody else, on that side. And the bakery doesn't have a sign back there.

Jack Vessels: These windows service who?

Melissa Reed: They're mine.

Jack Vessels: They're yours. So you go from here to the end of the building?

Melissa Reed: Right, and then the river-run is around the corner from us, it's not on the same side as my building; it's kind of in front of my back door to the side.

Brenda Burns: Okay, does anyone want to make a motion to approve the permit for the sign? Okay, then I think we are going to have to table this decision until we talk to the Town Attorney. I apologize for the delay. Hopefully we can clear this up and have an answer for you next months. Sorry for the inconvenience.

Board of Adjustments

Brenda Burns: The next item is the Board of Adjustments. The application is for:

The applicants, Jim & Barbara Wagner, are requesting a demolition permit for the house located at 409 Federal Street further identified by Sussex county Tax Map and Parcel # 2-35-20.07-43.00.

Mr. & Mrs. Wagner, would one of you like to speak, or any representative thereof? Mr. Camenisch?

P. D. Camenisch: I live at 302 Chestnut Street, Milton, Delaware. I've lived in this town for 37 years. I am a construction worker, builder, craftsman, whatever you need to be, I usually do it. I was asked by Wyoming Lumber Co., since they supplied the windows for Mr. Wagner's house, to install the windows, which are Marvin windows and they are aesthetically preserved for historical buildings. It's there top of the line windows. So, I was asked to install them after they had constructed, or done the work on their house, with the company that they had hired to do that. Apparently, in the process...

Robin Davis: Mr. Camenisch, can I get you to hold up a minute, please? As a procedure thing, we have to close the Board of Adjustment meeting first.

Brenda Burns: I apologize, that's my fault. I make a motion that we... Or would somebody make a motion that we close the Historic Preservation board? Can I get a motion please?

Jack Vessels: So moved.

Matt Dotterer: Second.

Brenda Burns: So moved. And now, Board of adjustment, we open the meeting for the Board of Adjustments. Sorry.

P. D. Camenisch: So, after a while passed, and no one called me, I called Mr. Wagner and asked him what the problem was with the construction and he said he was having some problems with his contractor and he asked me if would come up and look at the house. So as looking at the house, I had looked at the house probably 6 months ago a realtor had called me and asked me to look at the house for another client, and I went inside and went through the whole house and I determined at that time that the house was in very, very bad condition. This house, as you know, was moved from across the street approximately 1983/84. It was sold to a woman by the name of Sandra Blake that bought the house from Goshen Church, because they wanted to make a parking lot there. When the house was moved, the house was put on a foundation that was inadequate for the house at that time. There was no building code in town, there was no building code in Sussex County, so they raised the house only a few feet and put a foundation under there, and when they set the house back down, the house did not fit on the foundation. There was an extra part of the foundation in the back that was supposed to have an awning or a porch over top of it; it was actually like a cistern that they had put a deck over and as it rained over the past 25 years, the water went in the house, went in the structure of the

house, went through all the wood, caused total rot, decay, insect damage, termites, everything. I walked up into the attic of the house and apparently several years ago there had been a fire there and there's quite a bit of structural damage to the rafters of the house. I gave all this information to Mr. Wagner and suggested that even though I know a lot about construction and I've done, I've raised three houses, I've moved a couple houses, I've done the Fisher House at 407 street, which is a total remodel. Most of it was demolished at the time we moved it and there were very few structural items still left in that house; it's all mostly all brand new. I moved two houses on Chestnut Street. We raised the houses, put new foundations underneath of them, and one of them is the hairdressers place and the other one is for sale at the present time. But I gave them the names of a couple of structural engineers and they hired a fellow to come look at it and you have the report for that. At the last meeting when they were on the agenda, there was some concern I guess about the condition of the house so the Town hired their own structural engineer. Even before that, I had talked to Robin on the phone about what the procedure was for demolish in Town and concurred with me that the house was in very, very bad repair and probably should be torn down. So, you have three reports from 2 structural engineers and the Town Code Enforcer that are under the opinion that this house, even though a lot of the things will be removed. I want to save this house as much as anyone does. I'm not in the demolition business, I'm in the construction business, and there's certain items on this house that need to be taken off, which the Wagner's have agreed to reproduce, use what's there that they can save and build a new house that's structurally sound on a solid foundation that's today's standards with the same type of material that you had given approval for their original permit, which is the new windows, the siding and a new roof on the house. And I think there was a garage involved also. So, basically what you have is all the information that you need to make a solid decision. Things on that house need to be saved. I want to save that house as much as anybody, but to put a house on a bad foundation as it is right now is just a waste of money. And, you could probably do it by tearing one wall down at a time, but the cost effect is huge. It would cost 3 or 4 times as much and I have done an estimate on how much it would cost, and it's about 3 times more. Jack knows, Mr. Vessels knows. Most all of the houses that ship carpenters in, are shipbuilders in Lewes, they all have brand new foundations underneath of them, and a lot of those are houses that were moved in there and done reconstruction to and most of them are a lot of new material but they used old material too. So what we are planning on doing is saving all the decorative moldings, the window casings on the outside are going to be reproduced, so when you look at that, and the porch, there was a porch on that house. Mr. Fisher told me, that lives next door, when he was a little kid there was a nice porch on that house. We have a picture of that porch and we're going to put that porch back on that house so it'll at least have the scroll work and if you look at 301 Federal Street, there's a side porch there. That porch is brand new. The aesthetics of it, the scroll work, it's all been re-done and I did it. 305 Federal Street. Brenda Burns: Who owns that P. D. CAMENISCH?

P. D. Camenisch: Mitzie Yader. She's passed away. Ellen Passman's house, the scroll work in the top two sections of that house, it's all brand new. I rebuilt it. I have a shop and that's what I do. And the front porch on the Post's, there's one post that looks like the rest of them and it's a brand new post. It's totally redone. 307 Chestnut Street. There's a brand new, there's a porch there that was built, I think 15 years ago we built it when Mr. Meek owned the house and he and I researched photographs of the old Black house that was next to that house that burnt down and we found a picture of that house

that had the original scroll work. If you look at that house, it's all brand new scroll work but it's reproduced. 90% of the houses in town have original work, but there's some that old work. The house at 206, they're putting a garage in the back. The front porch on that house, I think it's Bob, I don't know his last name, Schaeffer, his front porch is brand new. I built it. It's...all the work on it...we saved some of the scroll work but the posts, the foundation, the roof, the whole thing, with Tom Strange, on that house I rebuilt it. So it's not inconceivable that this house is not going to be torn down and just thrown away. It's going to be reused; as much as we can reuse of it, but it's...the structural part of it, the foundation, the termite damage, I mean a lot houses in town have termite damage, but this is very back structural termite damage. I implore you that you, that some of you have gone to see this house and seen the area around the outside; they've got part of it jacked up and it's needs to be delicately torn down and reused as much as we can and that's you know, I'm here tonight to say that we need to save as much of it as we can and it's...

Brenda Burns: Would you mind staying there P. D., I think we have some questions for you? So have you been contracted to build?

P. D. Camenisch: No, I have not.

Brenda Burns: No. Okay.

P. D. Camenisch: I have only been consulted, with no fee.

Brenda Burns: Alright. You know, the problem is the board, the Historic Preservation Board and the Board of Adjustment, our authority really ends, we can grant a demolition permit, but we have no guarantee what is going to be rebuilt. That goes on to P & Z. So, you know, once you say yes you can demolish something, you really, you know, it's up to the owner. They may tell you that they are going to build something, but there is no guarantee that that is what is going back.

P. D. Camenisch: Excuse me. I can't see someone spending \$350,000 for a house and not putting something back there that sells for an empty lot, especially at today's prices. I mean, it's inconceivable.

Brenda Burns: Well, I understand, but, you know, the Wagner's had stated that they had restored 10 homes and to buy a home that old without a home inspection, an engineers report, usually that's done to negotiate price, being a realtor I am well aware of that.

P. D. Camenisch: Excuse me, but I really don't think that is relevant for this case. I mean, you've got in here, if the Board of Adjustment's finds that the structure has no historic or architecture significance and non-contributing, it's right in your code.

Brenda Burns: I am just stating my, you know...Right, okay, well I would like to finish my...okay...I know what the code is. But, you know, I've had a lot of phone calls over this. There's a lot of concern in Town. I've had people coming by my house; I've had a lot of phone calls. And these are concerns that have been stated to me and I think I should make them public, and that's what I am doing. You know, I know that you probably feel like you have looked at any other option. I mean, have you thought of jacking the house up and building a new foundation; or ...

Mrs. Wagner: It will fall down.

Brenda Burns: It will fall down. Okay.

P. D. Camenisch: You have two engineering boards that say the same thing.

Brenda Burns: I understand that. We do have the engineering reports.

P. D. Camenisch: You can't ignore that.

Brenda Burns: No, we're not ignoring it, Mr. Camenisch.

Mrs. Wagner: We've never had a home inspection, structural inspection, on any of the

houses that we have done. We had one condemned that we rebuilt. This house has a foundation that doesn't have house on it, so that water, and you can come see it. It's under the "deck". It's foundation. It's connected with the rest of the foundation of the house, so that every time it's rained, for the past 25 years, the water comes in to the crawl space and it has compromised everything. No I understand that you have people, I can certainly feel that there are lots of people who care about this house. Why didn't they care about this house when it was moved? Why didn't they care about this house as it's been left to deteriorate for the past 25 years? I didn't own it all this time. I didn't own it for 25 years and then ask now to tear it down. I feel that we bought it in good faith thinking that we could fix it. We had not idea. We hired the people worked on the house, have worked here in town; they've billed themselves as engineers; they did look at the house. They didn't find this extra foundation until after we had engaged them. They, and we didn't understand the significance of this foundation. They didn't put anything in writing to us until we terminated their contract; then they put everything in writing that they said they told us and that they indicated to us as they worked on it; that this house was a disaster, but they didn't put anything in writing until we asked them to stop work.

Brenda Burns: Would anybody else on this board like to ask any questions or make comments?

Have any questions for the Wagner's or Mr. Camenisch?

Marion Jones: Mr. Camenisch, you referred to 3 structural engineering reports and one code...

P. D. Camenisch: No, Two.

Marion Jones: Okay, so you stand corrected. And one code enforcer report.

P. D. Camenisch: No, I said I had a conversation with him on the phone that we both concurred that it needed to be torn down.

Marion Jones: That was my question, thank you.

Matt Dotterer: I would like to make a comment, sorry. If they do tear down the house, just something for us to consider, I believe they do have to come before us anyway for Historic Preservation Review for a new structure. It's not like it's out of the Historic District where they wouldn't have to come before us to rebuild something, so we do have some regulation into what comes back. What we don't have regulation in is, let's say they tear it down, and just leave it go. We don't have regulation on a time frame when that should be done. That is the only time frame that we do not have. Thank you.

Brenda Burns: Well, we did receive two letters in opposition to the demolition. One is from Mr. Robert Paul of 409 Federal Street.

Mrs. Wagner: He doesn't live there.

Brenda Burns: He's been a resident of the Town. He's a weekend resident. He doesn't live there full time but has owned his house for 18 years.

Jim Welu: Robert Paul is at 413 Chestnut.

Brenda Burns: Excuse me, 413 Chestnut Street, Mr. Robert Paul. And the other letter is from Will & Kathy Spurlbell at 422 Chestnut Street. I am going to ask the Secretary to read these.

Marion Jones: (Both letters were read and recorded into the minutes. Hard copies are on file.)

Brenda Burns: Ok, would anybody on the... Mr. Wagner, we'll give you a chance in just a minute. Would anyone on the board like to make a comment or ask a question? Ms. Jones?

Marion Jones: I would like to know, what are Mr. Allen J. Redden's credentials within

his professional engineers' degree? Another words, as I looked up the background on the website of the engineer's that did the city's report, I wonder what Mr. Redden's forte is for restoration or historic preservation.

Mr. Wagner: Frankly, I don't know. He was one of the recommended engineers and when we presented his report at the last meeting, I believe it was April, that the board felt that they needed to get an engineer of their own to take a look and I know that he concurs with Mr. Redden's opinion.

Marion Jones: So the answer is you do not know what Mr. Redden's specialty is in his engineering profession?

Mr. Wagner: No, I don't. But as I say, your engineer has concurred with his opinion.

Marion Jones: Okay, that was the question. Thank you.

Brenda Burns: Does anyone else have any comments or questions?

Jack Vessels: I don't see where the city engineer's report does concur with the others. He seems to say it's in good to fair shape in most cases, but then he draws a conclusion at the end that doesn't back that up and it leaves me a little confused.

Brenda Burns: I agree. I felt like it was a very weak report. I think he...I was actually surprised that the final sentence, based on his site review, I mean they even stated they didn't go under the house; there were several areas they didn't even cover. But, anyway, this is a very emotional issue and you know, we're sorry to put you through this, but there are a lot people that are very concerned because this is an historic property. Excuse me, just one minute. And, people, we've lost quite a few historic properties in the past few years and yes, you know, you ask where people were 25 years ago, I really can't answer that. People are much more aware and we really don't want to lose another historic home in this town, and it's, you know, an emotional issue, unfortunately for you. But anyway, Mr. Wagner, what would you care to say?

Mr. Wagner: Well, I guess I appreciate how emotional it can be and I guess I just feel that you have to try to reduce it to objective factors and that's what the code addresses in the section that your engineer has cited.

Brenda Burns: Well, you know, I think one of the points, I think, comes down to money. I think that is the bottom line. It's going to cost more to restore than it does to tear it down and rebuild and I think that's really the issue, but...

Mr. Wagner: I think it's been noted earlier that we had permission to change the siding and change the windows to a window that we think is a very nice window, and to change the roof material and to take off a section on the rear and rebuild it a slightly larger size. And I really think that the product that would be developed, I mean if we took that down and built an entirely new one, would have a very similar appearance. And that's far more practical, am I right?

Brenda Burns: Well because there have been so many phone calls and letters, I am going to open this to the floor. If there's anyone here that would like to make a comment or ask a questions, I am going to allow the audience to speak. Oh, excuse me...

Marion Jones: Just one more issue and this is on the emotional side. I know that there are...the Chairman has received calls. The structural engineers' report that was provided to the Town was written in such a way that was easy for me because I do not read structural engineer reports. However, in each category where the structural engineer report's, and I want the people who support the saving of 409 to hear this, so that you understand that this is very difficult for the board with the information presented. They begin with historic fabric condition, each and every time. There is little in this report that supports that there is very much historic fabric left at 409 Federal Street. According to

this report only, there are places that very much indicate that there are pieces that are in fair to good condition. Arguably, there are as many that continue to say no historic fabric still on the original footprint. They are looking at things like wall coverings, trims, molding, and so this has been at least a little bit easier for us to read, but not any easier to make the decision. So after they go over the historic fabric of each, as in the foundation, little if any historic fabric foundation remains. But under the structural foundation condition, no conclusion as to the footing materials, size, depth can be made at this point in time. So, do you understand, and I think I speak for everybody here, that it is a difficult and emotional issue and for me, I am doing the best I can up here for everybody.

Brenda Burns: Okay. Mr. Voth, would you like to say something?

Don Voth: I live at 105 Atlantic Street. I'm an architect. I moved here about 4 years ago. The reason I moved to Milton was for its charm, its interest as a Town, and its people and I don't want to lose any of those aspects. Milton's charm is becoming renowned; it's historic district, in particular, is well known and becoming more known. We can't afford to lose anything, even outbuildings. I think it would be a shame to lose fences, you know, anything in the Town. We must grow up and learn that this is what Milton has to offer, and if we start losing these things, we are going to lose what Milton is all about and we're going to lose the attraction that Milton has that makes Milton special and sets Milton apart from other Town's that surround us and we'll just become another community. And we don't want that to happen. That's why I moved here, because of Milton. I'm vested in Milton. My life's here and it's unfair to the whole community to allow these things to happen.

Brenda Burns: Thank you. Is there anyone else? Mr. Wilson?

Ted Wilson: I live at 207 Atlantic Street. I frankly am very surprised that there is not any real development in the record of what would be done if it were fixed up, shored up, and what would it cost. That sort of stuff happens all the time. This may be a fairly extreme case, but there are people out there that do this all the time. They say, well this is we'd have to do this and this and this, and it's going to cost you roughly this. I don't see that. And a further point, if it does come to tearing it down, I want to say more at that time that the city, very carefully, that they get some kind of binding agreement with what's going to happen; that we don't have a Food Lion mall problem again, where things were so hunky-dory and wonderful; that didn't happen. Thank you.

Brenda Burns: Thank you Mr. Wilson. Is there anyone else? Mr. Welu?

Jim Welu: I understand the economic problems the Wagner's have, but, I think when you get into a real estate venture, you have to know the potential consequences of what it's going to take to get from where you are to the end. I wasn't quite clear on the problem of raising the building and putting a new foundation under it but that seems to be the number one issue from what I've heard; that it doesn't have an adequate foundation which goes back to when it was moved. Any property can be lifted, I mean, a lot of people thought I was a fool when I bought the old dairy barn out in Overbrook Shores, which was a 30' x 50', 2-1/2 story brick structure. You didn't have a lot of wood beams to tie together when you moved it, but there are people that can pick these things up and moved them. In fact, the fellow that moved that actually moved a 50' silo, which he'd never done before, but he figured out how he was going to secure it and save it. I think the biggest difficulty in moving a property or raising it is in moving it. Lifting it up and setting it down is not that difficult. The same with the Hazard house, I mean, that was a solid, masonry building that had some defects in the masonry work even, but we were able to lift it and actually move it. So I think that would be the first thing that really

should be looked at; there are two or three local people that actually move properties right here in the Milton area. There are also two that are pretty well known in this area, expert house movers which moves from Connecticut down into the south, but are located right in Sharpsburg, Maryland. I've used them twice and I've used Harry White out of Pocomoke, who's the one who moved the Hazard house. So I, you know, with all due respect to rebuilding the house, and I know that Mrs. Wagner knows this having been on the Montgomery County Preservation Board, a replica is never the same, as an existing property. It won't have some of the defects of an existing property but that's some of the character and some of the enjoyment of an old property. So, I would just think, you know, I wouldn't want to be in their financial position, but I think it's a financial position they put themselves into in a Town that has regulations about trying to preserve historic properties and, you know the report that was brought to the Town Council about two years ago that the historic character of this Town is it's most important facet. And there's one other thought that I would like to leave with you. The two houses on Chestnut Street that were demolished over the Christmas holiday's a couple of years ago. There were people that had looked at them, and knew they could be restored, and the woman that owned them – she still owns the land – said it was too expensive to fix them up, so it was easier to demolish them, and I don't think that's acceptable.

Brenda Burns: Thank you Mr. Welu. Is there anyone else? Mr. Camenisch?

P. D. Camenisch: I respect everyone's opinion here, totally. A lot of you have not been in the house; you don't know the house has been gutted; there are no floors left; there are very few walls left; there is virtually nothing to attach anything structurally, to be moved or raised. The house has been raped; that's what's happened to the house by these other contractors that they hired, and it should be fixed, but the only way to fix it is to structurally raise the whole thing up which is almost totally impossible. But the other important thing that I want to mention that we would not have a Town Hall because it was totally torn down and it's a brand new building, so, see what can be done in town and still looks aesthetically and everybody's proud of it so there's one point that I would like to make.

Brenda Burns: I agree with that, but they were not given a demolition permit. That was in the building process; they had to rebuild one wall at a time, and essentially put it back because it was falling, you know...

P. D. Camenisch: But it fell down and that's what is going to happen to this one if we try to do the same thing. So, essentially, they came to you to ask permission to do it correctly and not go around anybody else and not try to hide anything; they came out in public to do the right thing and it's up to you.

Brenda Burns: Thank you very much Mr. Camenisch.

Matt Dotterer: I think the Town Hall was also done before the Historic Preservation was even formed, wasn't it?

Brenda Burns: Yes, it was.

Matt Dotterer: That makes a big difference.

Brenda Burns: That's correct. You know, everybody says that there's very little of that house left, but the history remains with what is left. That was Dr. Wiltbank's house. It is an historical home. It's an historical property and once everything is gone, the history is gone, and I think that is the big concern. Mary, Ms. Hudson, would you like to speak?

Mary Hudson: I live at 406 Union Street. I am on the Town Council, but I am speaking because your vote does not go to the Town Council, as I understand it, so it is not a conflict of interest. I am speaking as a homeowner. My home was built approximately

1870. When I bought it I had an assessment done on the house, a home inspection done on the house, and five years later – I’ve lived there almost 10 years now so – I’ve had another home inspection on the house. I intend to continue every five years having home inspections done on that house so I can monitor what’s going on with it; any deterioration problems that I need to work on. And every single year I have a termite inspection done on that house, and if you, and I have read the Redden report, and you might as well be reading a report about my house, because the steps do not meet code, the foundation does not meet code, the beams in the ceilings, they started 23”, go to 21”, they still have the bark on them. The floors are un-level, the house is settled, and if you go through the house, and many of you have been in there, there’s very little inside that’s original. A lot of it’s been taken down, redone, but I am not about to tear that house down. I am looking forward to settling as an investment towards my retirement. So, I’ve also read the Town’s engineer report, and I believe that it speaks in favor of keeping 409 Federal and remodeling it or restoring it and that would be my opinion would be to keep that house and to remodel it and restore it. I believe that the Wagner’s, as they say they bought it “as is”; they did not have a house inspection done and then you take what you get and you fix what you buy, and that’s my firm belief that when they came to this Town after their years and years of experience, that they should have been fully prepared when they bought that house to fix it up the way it should be restored. And I have been in that house, before they bought it. There was an auction, about a year before they bought it, and the house is right next to Gwen Foehner’s, and I went through that with my mother, and Lynn and the three of us walked through it. I even went up in the attic. I did everything but crawl under the crawl space, so I understand what condition it was in a year before the Wagner’s bought it and I firmly believe that this house should be restored; should be kept in the Town and should not be demolished. Thank you very much.

Judith Seiffert: Of 406 Chestnut Street. I had a question for the Wagner’s. The first contractors that you used...

Brenda Burns: No, wait. You are not allowed to ask questions of the applicants.

Judith Seiffert: Oh, I’m sorry. I just feel that it’s a money situation and I’m in all favor for the preservation and the keeping of 409 Federal Street, and I have been in it, recently, just inside, so I, with Robert Paul actually. Thank you.

Brenda Burns: Okay, now you’re both in trouble. Thank you. Does anyone else like to make a comment or statement?

Matt Dotterer: Much like Mrs. Jones said, this is a very, very touchy, difficult, emotional situation. I looked at it actually on both sides of the spectrum and it’s tough. I am a 110% for preservation; it’s just you come to a point where, first of all, I’ve been in the business for 20 years designing and engineering, and I know how things are around town and looking at these reports, I know Allen Redden. I don’t know this Steinhold Construction Engineers and to me the Steinhold Construction, now this is just me it’s not representing the BOA, is what I call a political review. You can take it however you want to. You can bend it and shape it to “oh yes, it’s all for 100% preservation” or you can say its “no, it’s 100% for demolition”. One way or another you, and it’s tough to really use that as any kind of tool to make a decision, I’ve actually had nights where I haven’t been able to sleep thinking about this thing ever since it came before us the first time, not to spread any guilt like my Mom. But, there’s a time when you actually have to say preservation, preservation, preservation, then next thing you know you find something that’s beyond the preservation. And yes, it’s a money thing and I truly feel

that it may have been their fault and the contractor's fault and nothing against you all, there's contractors out there like that, P. D. and I know that, we've worked for several of them. But it's just a point where you've got to see, "okay, I've got to cut my losses" and we do have some kind of regulation towards the new structure if it comes up that they are going to put a new structure there. The only thing is its tough and there's a lot of things to weigh like that when, just like the building next door. We said, yes go ahead and demolish it, and that's another big factor that we're trying to figure out. That's all I'd say. Thanks.

Brenda Burns: Anybody...

Matt Dotterer: I'm sorry. There was one question. Could you possibly sell the house and have it moved?

Mr. Wagner: (Unintelligible)

Matt Dotterer: Okay. I know there's a lot of finger pointing and a lot of saying no, don't do this or that, but if somebody comes up with some kind of solution, a happy medium possibly, and that would possibly be a happy medium to preserve that home if somebody could buy it and move it and then refurbish it. Would that be something you'd be up to?

Mr. Wagner: I'm certainly not in favor of the destruction of the home for destruction sake. You know, if somebody would like to buy it from us, or buy it and move it, that would be fine.

Matt Dotterer: It's just a solution that was thrown out there possible.

Mr. Wagner: There's a vacant lot right kind of behind us.

Brenda Burns: And there's something, you know, in the ordinances, I've been looking because this is very, very tough. And, on page 48, under demolition, I'm going to read this. This is for the board, okay. "If the structure or any part therefore is deemed to be contributing and therefore has extent historic and/or architectural significance, no demolition may take place for up to 90 days from the date the application is placed on the agenda of the BOA"; which would then take that into July 24th. "During this period, the BOA shall meet and discuss with the owner and his or her representative to find a means to mitigate or to eliminate the demolition. The BOA shall schedule a hearing before the end of the 90 period. A decision shall be made at the end of the 90 day period, provided however that such time may be extended upon mutual agreement of the applicant and the BOA. If the BOA finds that the structure has not historic or architectural significance, is non-contributing or is in such a state of disrepair to be a hazard or beyond reasonable efforts at rehabilitation or repair, then the BOA may approve the application for demolition. In instances where a structure is damaged by fire, flood or other force, so as to present an imminent public danger, the Code Enforcement Office" – basically what they are telling you then, has the authority to grant a demolition permit which is what happened at this building on the corner. And that's something that I think that the board and the applicant should consider. Is there some way that we could mitigate this or come up with an alternative to tearing this building down? Are you willing to discuss it? You know, well, if you're going to tear it down, you are going to demolish. Why not give the building to somebody that would be willing to move it and save it. I'm just throwing that out there. I'm not saying that's, but there may be a solution that we haven't really looked at yet and before a demolition permit is granted, and yes I know we do have two engineers' reports, I think we should look at every avenue for saving this structure, because I really feel that Milton does not need to lose another historic property and I'm asking if that is something you would be willing to do? I mean the board has the authority to extend this to the 90 day period and if so... No, we don't? Am I

misinterpreting this?

Robin Davis: There's another section you have to read since this is the second meeting, it says it has to be... Since this was put on the first, this was originally, the application came before the board in April, this is the second meeting and if you're looking at Section 4.9.7, with the, under 3, under applications, approvals, procedures, it would be E. It talks about the BOA shall endeavor to arrive at a decision at the first meeting at which the application is presented however, if they need more information or time, they can place it on the next meeting or special meeting. The BOA shall grant or deny the application basically as soon as possible, in no event, no later than the 2nd meeting at which the application is on the agenda, and the applicant appears, unless the applicant agrees to an additional delay. If you do not do anything on this application, it is a de facto approval of the application, as what the board went through a year ago with Mr. Borros, as what he was trying to say.

Unknown Speaker: Robin, I think that only applies to demolition out of an historic district.

Robin Davis: This is all BOA, under BOA's, and this is being heard under, BOA. Unless, like I said, unless it says the "unless the applicant agrees to further delay, request of delay, or fails to appear at the scheduled hearing", so if the applicant's are willing to delay it, then that's fine. But if they want a decision tonight, the board has to make a decision, from what I am reading.

Brenda Burns: Okay. Let me ask you a question, Robin. There is a moratorium on demolition in this Town. It was a 60 day moratorium. When does that end? Do you have that date? Do you know the information?

Robin Davis: They're, Town Council is reviewing the historic ordinance changes at the July meeting, so I think it's going to be approved at that meeting, I think, I'm not sure, they were going to review it. But, the Town Solicitor, John Brady, said this application started before that moratorium was put on so that's why we're actually hearing this application.

Brenda Burns: Okay. Mr. Wilson?

Ted Wilson: The board right now has two bad choices and it seems like those are the only choices. The reality is more time would be very useful and it would be used well, not just sitting there. I advise the board that they disapprove today without prejudice. You're free and clear; you're not there, maybe you're going to lose if you say we're going to extend it further. Down the pike, maybe the Town Council or attorneys for some of the interest would win and say that you gave it by not acting clearly, at this meeting. So please, just disapprove it now. You'll give yourself more time; everything is just as it was. In fact, I think that you should do that; that that would be the better thing or the more responsible thing to do. Thank you.

Brenda Burns: Thank you. Okay. I guess the question is for the Wagner's, are you willing to postpone this another month so we can discuss alternatives with you. Perhaps we can find someone that would be willing to take the structure and move it. Is that something you would be willing to do?

Mrs. Wagner: I'm very hesitant. We don't have any communication. We get phone calls at the last minute to say that we're on the agenda. And how are you going to communicate with us? We were told, we were given a two day notice that you were going to have your engineer look at the house. We live 2 hours away; we both work. How are we going to...when are we going to meet? How will we set the time? Who's going to meet with us? How would anything change in a month? We're at a total

disadvantage. Yes, we didn't know anything about engineers in Delaware. We had no idea what it was like to work in Delaware. We only work in Washington, DC and in Maryland. We're at a total disadvantage. You give us another month. I have a...we have full schedules in the next month. Who...what are we going to do?

Brenda Burns: Would anybody like to respond to that one?

Ted Wilson: I will. I'll abort (??).

Brenda Burns: No, you know what, it's closed. Ted, it's closed to the floor. We've had enough. It's up to the board at this point. I was speaking to the board. Thank you, though.

Marion Jones: Mr. Camenisch did bring one thing up in reference to many folks had not even been through the house. I would like to go on record at saying this is made even more difficult for me because I trust Mr. Camenisch and his ability to assess a property and advise the board of its present status. Your property, since my time on the board of almost 6 years, is the only property I've never stepped foot in. And I never stepped foot in it because at the April meeting you said it wasn't safe. Now when I reviewed those minutes, that was actually a friend's builder who made that call according to the minutes which is not reputable; would not stand up in a court of law. So that's my only regret; that would be my only request, for more time. Taking the position on the board very seriously, I have visited every single location that has ever come before either of the boards. So I regrettably admit I did not go in your house, and I am sorry that had not. So if the decision is made tonight, it will be extremely difficult; that would be my only appeal to you in giving more time. I am sensitive the fact that I understand through a discussion with you just before the meeting, you only received notice that you were on this agenda as of Saturday of last week; that is not acceptable. Thank you.

Jack Vessels: I had asked at the initial meeting if I could go through the house when our inspector went and it was my intention, but then George Dickerson, through Brenda, said he didn't want to have our engineer influenced...for me not to go. So that's why I haven't seen it. I also would never vote to demolish it without having seen it myself; I'll say that right now, because I have moved a number of houses over the years, probably 30-some. Had them moved; I'm not the actual mover. But we got them from point A to point B and one time I only had one original corner post left when I got done with it. I mean, houses can be restored; it can be saved. Sometimes it cost's more money than you want to spend and I think that this is what it's coming down to, but my own feeling is that the historic district of Milton shouldn't suffer because somebody maybe gets in a monetary pinch. That's my only feeling, so I would make a motion to deny the request.

Brenda Burns: Does anyone second that motion? Do I have a second to that motion? Does anyone want to make a motion to grant the demolition permit? Well, it looks like we are at an impasse again and we are going to have to table this...no? What are the options here?

Matt Dotterer: We have got to decide.

Brenda Burns: We have got to make a decision. But if I do a roll call...how do I do a roll call vote?

Denise Suthard: I move that we grant the permit to demolish.

Brenda Burns: I have a second to that motion? Okay, what we are going to do now is a Roll Call vote.

Jack Vessels: To what motion? You need a second.

Brenda Burns: Well, that's what I thought, but didn't you say do a roll call? We've got a quandary here. Where's the lawyer, the Town attorney? We are going to make a call to

the Town Solicitor. Sorry folks. Okay. We'll wait till Robin comes back. Hey Robin, we might have it resolved. If you get him fine, if you don't...

Robin Davis: I didn't have (unintelligible), is that alright?

Brenda Burns: Yes, okay. We are going to do this again. Alright, Mr. Vessels has made a motion. Would you like to state your motion again?

Jack Vessels: To deny the request. In other words, to deny the demolition.

Brenda Burns: To deny the demolition? Do I have a second to that motion?

Matt Dotterer: Yes. Second.

Brenda Burns: Now I would like a Roll Call vote beginning with Jack Vessels:

Jack Vessels: I am for the motion

Marion Jones: Abstain

Matt Dotterer: Yes, for it.

Margo Goodman: Against; I am for the demolition

Denise Suthard: Against

Brenda Burns: I am for.

Brenda Burns: Sorry your demolition permit is denied at this time.

Mr. Wagner: Can you tell me the grounds for the denial, based on the code?

Marion Jones: Actually, we have to give a reason for the denial.

Brenda Burns: Well, I think the reason is... I think it was very clearly stated that the reports we received were not...

Unknown Speaker: Each one of you has to say why.

Robin Davis: Yes, they have to...

Brenda Burns: Oh, each person? Okay. Thank God. Mr. Vessels?

Jack Vessels: Well, I think the house could be saved, I've not seen one that can't. It's a matter of how much money you are willing to put in. Like I say, I don't think whether we preserve our historic district or not should come down to one person's willingness to put money into a property or not. Also, the report that the city had done, the only negative thing is they say no historic fabric such as original wall coverings, etc. What is not there was taken out when the place was gutted. It still has integrity from the outside... The historic fabric that seems to be missing was done then the place was gutted and I don't know who was responsible for the gutting, but hopefully it should have been saved somewhere, but there are other things like they mentioned that the double doors, the pocket doors, are in good shape, the stairways in good shape. I mean the features that are left are in workable shape. I think it could be restored properly. It could be picked up; I haven't seen a house that can't be picked up. Sometimes you have to do some structural bracing, but you can pick it up and put a foundation under it. I just don't want to see an important corner property in our historic district torn down because I haven't seen a facsimile home built home that I can't spot from 2 or 3 blocks away. It's just what it is.

Matt Dotterer: Mine is pretty much basic, it's just setting a precedent towards other homes. Who's to say that somebody else is going to come in here and want to get a remodel permit, come in and do the same basic thing, regardless of who the contractor is, how competent or incompetent they are, and then tear it out and say "Oh, this is beyond recognition; this is beyond what we can save". Now, I understand that there's hardships, but to me, if we are granting this demolition, you are setting a precedent for other homes, especially on my street, Broad Street, we could do the same thing. I could have done the same thing with my home. It's probably in worse condition than what this one originally

was. Basically, that's basically setting precedence for other homes. One other thing, and I hate to pull a post, but get on a soapbox, you need to get that new historic ordinance passed, immediately. That's it. Is that good enough?

Brenda Burns: Do I have to state as well? My reason is that I do not want to see Milton lose another historic property. I think that is what makes this town charming, unique and I think when that's gone what do we got? Track housing. And I do think it comes down to money. I am very...I feel very bad for the Wagner's, you know, I understand that this is a financial hardship and I, you know, the fact that I think they were, that they were unfortunate to hire the contractors that they did. Had they hired P.D. right from the beginning, I think it would be a showplace. But, I don't think that this town can afford to lose another historic property and that is the reason I voted against the demolition permit.

Matt Dotterer: Here, here.

Mr. Wagner: I was wondering about you're...

Brenda Burns: I'm going to go...excuse me; we're not quite done Mr. Wagner. We'll give you a chance. Mrs. Suthard, would you like to give your reason why you voted the way you did?

Denise Suthard: I am for granting the permit to tear it down. I'm basing my opinion on the engineer's reports that were given to me and no personal objectives or anything else. I am going by what was written and given to me.

Margo Goodman: I had voted yes for the demolition and that is due to the decision has come to us to make a decision and the expert advise is two survey reports that we were given to make the evaluation from solely. Bottom line. I do agree that the historic preservation committee would have guidelines and would temper something like this coming before the board again and give also the residence a guideline in dealing with it.

Brenda Burns: Okay. Mr. Wagner, you would like to say something?

Mr. Wagner: I appreciate everybody's input, but I was still wondering if the permits that we were approved for in, I believe in February, are still in force.

Brenda Burns: Well, that's something that you are going to have to go to the Town Hall. I don't know, can you answer that Robin?

Robin Davis: Not right off the top of my head. I'd have to look at the permits and things like that.

Brenda Burns: They do have an expiration date don't they?

Robin Davis: Yeah.

Brenda Burns: Okay.

Brenda Burns: Alright, the last thing on the agenda:

Review and comment back to the Town Council regarding the proposed ordinance to amend Section 4.9 of the Zoning Code for the division of the Board of Adjustment and the Historic Preservation Commission.

Brenda Burns: So, you all have a copy of that? Would anybody like to make any comments or observations on this?

Matt Dotterer: Yes, yes I would. My first question is why? I've got a little thing to read here and actually I am going to give a copy of this so you have it in written form also.

First question is why? What is the purpose of creating a Historic Preservation

Commission separate from the Board of Adjustment? Can anybody answer that? It can't be the number of applications that were of the HPC has not so overwhelmed that the BOA that it can't perform it's both duties. For example, there was no need for even having a meeting in May because there were no applications. When the Historic District Ordinances were first created, the HPC duties were assigned to the BOA for the ease of applicants. It is anticipated that given the non-conforming size of the lots in the historic district, there would be time that construction would require a variance in addition to approval of the HPC. Having the BOA handle the HPC duties is more expedient for the applicants and that they can seek approval at one meeting instead of having to attend meetings of 2 different bodies and possibly having to wait several months for the application to be addressed by both groups. Prolonging the process will only discourage property owners from renovating and restoring the historic structures. I believe it was when the historic district ordinances were first created that Article 11 of the Zoning Ordinance dealing with the BOA was changed to encourage that the membership of the Board include an architect, draftsman, builder, engineer or other person experienced in design and construction of buildings. The proposed ordinance as it is written does not specify that any member of the HPC will have such knowledge and/or experience. Requiring at least one member with this knowledge and/or experience would benefit the HPC when it is reading and interpreting plans and engineer reports for both construction and demolition applications. Such a person is also familiar with building materials currently used and available in today's market when dealing with these applications. In written form and copy.

Brenda Burns: Thank you Mr. Dotterer.

Matt Dotterer: Thank you.

Brenda Burns: Do you have another copy that I may keep. That one is going to be for the Town.

Matt Dotterer: Here, you can have my copy.

Brenda Burns: Thank you. Alright, would anybody else like to comment.

Marion Jones: First and foremost what is the objective behind this proposal to split the BOA and HPC? If there is no one here on behalf of the Mayor and Council to answer this question, I request that we table our recommendation as a board until an answer can be gotten as it is hard to understand what recommendations to make back to Mayor and Council until I could understand what his reasoning was; or what their reasoning was? Does anybody have an answer? No? What are the clear and concise benefits to dividing these two bodies? What expertise will be added to the HPC by splintering it from the BOA? At least under the BOA you have members affiliated with building knowledge. What advantage is there to having members who reside in the historic overlay district? How does simply residing in the historic overlay district uniquely qualify anyone to hear applicants and understand the special needs of buildings and/or lands lying within the historic district, the historic overlay district or the Town Center? There is a history with these two boards being tied together. There have been times when the HPC, if not tied to the BOA, would have allowed a building permit under the HP ordinances but their decisions would have violated a BOA ordinance. Only because the reviewers were familiar with both were the potential violations identified before they occurred.

Brenda Burns: Is that it Ms. Jones?

Marion Jones: Yes, but I would appreciate an answer to that question at some point so...

Brenda Burns: You're asking this board to give you an answer as to why the Town Council and the Mayor are wanting to divide...? I don't think we can do that.

Marion Jones: Right. I'm just looking for their objective in this coming about. Something must have occurred in that they felt a need and I think as a member of a standing board that's being requested to give an opinion; I would like to understand their rationale for doing this, before I give that opinion.

Brenda Burns: So noted. May I have a copy of your letter?

Marion Jones: I don't have a copy to give you, I'm sorry.

Brenda Burns: And also for the Town; it needs a copy. We need it for the record.

Alright, anybody else have any comments, opinions on this? Mr. Vessels, anything?

Jack Vessels: Well Donny Post had mentioned this to me. I knew it was coming up and I think his main concern, although I shouldn't speak for him, was that the boards were going to get overburdened eventually, but it has happened yet. I don't fully understand the motivation behind it either.

Brenda Burns: No, I don't either, you know, I don't know why they are making this decision but maybe what we should do is have a representative at the next Council meeting to ask those questions. Would anybody be willing to do that?

Matt Dotterer: I'll do it.

Brenda Burns: Thank you so much, Mr. Dotterer.

Matt Dotterer: I haven't been to a meeting in a long time.

Jack Vessels: I'll try to go with you. I just don't know at this point.

Brenda Burns: Okay. Well those are, you know, legitimate concerns and maybe we can get some answers and at that time we will make a recommendation. Does that sound...

Matt Dotterer: Okay. So at this point we're just kind of tabling it for...

Brenda Burns: So we're going to table this until we have more information on the purpose...

Jack Vessels: Do you want that in the form of a motion?

Marion Jones: Yes.

Brenda Burns: Yes, Sir. I would love it.

Jack Vessels: Okay, I move that we table this until we get the answer to our questions.

Matt Dotterer: I second it.

Jim Welu: Can I address...?

Brenda Burns: No, Sir. All in favor? Opposed- None. So carried. Should we do a Roll Call vote on this?

Jack Vessels: I guess you better. Haven't you got to do that on all of them?

Brenda Burns: Yes, I think we're supposed to now.

Jack Vessels: Aye

Marion Jones: I agree with tabling the issue

Matt Dotterer: The same

Denise Suthard: Aye

Margo Goodman: I agree

Brenda Burns: I agree as well that that's what we should do.

Brenda Burns: So carried. So, I guess that we can adjourn. I would like to have a motion to adjourn this meeting.

Jim Welu: Nope. Chairman, could I address the board just for a very brief moment?

Brenda Burns: Well, actually Mr. Welu, it's closed to the... If you make it really fast. I mean really fast.

Jim Welu: It should be very, very short. I just want to mention that I have sat as an applicant and as an observer of the Montgomery County Historic District Board and although I wanted to say this when Mr. & Mrs. Wagner was here, I don't think that the way you have proceeded is any different than the Montgomery County Historic Preservation Board would have proceeded or acted, so there was nothing new here being in Delaware as opposed to her dealings. Both as the President or Chairman of that board and as a citizen, I think you did a...

Brenda Burns: She may conduct a better meeting, but that's okay.

Jim Welu: I don't know that they conducted better meetings. No, I've been there and the same issues are raised and the same points are made and they wouldn't have been probably as restrictive as you have been.

Brenda Burns: Okay. Well thank you for your observation. Thank you very much.

Margo Goodman: I make a motion to adjourn.

Marion Jones: Second.

Brenda Burns: So carried. Good evening.

Meeting for the Board of Adjustments and Historic Preservation Board was adjourned at 8:53 P.M.