

**Town of Milton  
Historic Preservation Meeting  
Milton Library, 121 Union Street  
Thursday, August 24, 2014  
6:30 p.m.**

**Transcribed by: Helene Rodgvile  
[Minutes are not verbatim]**

1. Call Meeting to Order  
Dennis Hughes: called the meeting to order at 6:30 p.m. I apologize for the last time because we didn't have a quorum, but we have a quorum tonight.
2. Roll Call of Members

Barbara Wagner	Present
Dennis Hughes	Present
Kevin Kelly	Present
P. D. Camenisch	Present
Amy Kratz	Absent
Mike Ostinato	Absent
Mike Filicko	Absent
3. Corrections/approval of the Agenda  
Dennis Hughes: We have two things on here tonight. If there's none, I'll entertain a motion to accept the agenda.  
P. D. Camenisch: I'll make a motion we accept the agenda, as written.  
Kevin Kelly: Second.  
Dennis Hughes: I have a motion made and seconded to accept the agenda. Are there any questions on that motion? All those in favor say aye. Opposed. Motion is carried.
4. Approval of minutes – April 8, 2014  
Dennis Hughes: Everybody has a copy of them? Does anybody have any comments or changes or corrections to the April 8, 2014 meeting minutes? If not, I'll entertain a motion to accept.  
Kevin Kelly: I move to accept the minutes, as published, for the April 8, 2014 meeting of the Historic Preservation Commission.  
P. D. Camenisch: Second.  
Dennis Hughes: I have a motion made and seconded to approve the minutes of the April 8, 2014 meeting. Are there any questions on that motion? If not, all in favor say aye. Opposed.  
Barbara Wagner: I can't vote. I wasn't on the Commission then. So I can't vote.  
Dennis Hughes: Okay. The minutes from April 8, 2014 have been approved.
5. Business – Discussion and possible vote on the following:
  - a. The application from Dale Scott for the replacement of windows and siding on the property located at 422 Federal Street further identified by Sussex County Tax Map and Parcel # 2-35-20.07-23.00.

Dennis Hughes: Everybody has a copy of the application and the description of work is reside and replace windows, so Mr. Scott.

Dale Scott: It's pretty straightforward. As you can see on my exhibits, the house itself right now is sided with old cedar shingles. It also has double-hung windows with storm windows on the outside. I believe you can get a better picture of the windows with Exhibit "4", that's the front side. It's a double-hung with two small picture windows on each side, with grids. The bottom windows are double-hung and doesn't have any grids in it at all. We're just proposing to put in replacement windows in and using this as trim; rather than the aluminum siding that's on now and the siding is 7" protection and I was told it probably doesn't make a difference. [unintelligible] finish it in mountain cedar or something. It's going to be pretty much exactly like it is now, except that the \_\_\_\_\_ value will go up.

Kevin Kelly: Were you able to see that?

Barbara Wagner: What is this made out of?

Dale Scott: It is a vinyl.

Barbara Wagner: This is vinyl?

Dale Scott: Yes. Those are various products and this would be more rough cut, but this is what's on the house now.

Barbara Wagner: It has Perfection on now?

Dale Scott: Yes, it has all cedar now. They were put on in 1963.

Barbara Wagner: And it was vinyl.

Dale Scott: No, cedar.

Barbara Wagner: It's cedar and so you are changing to a vinyl?

Dale Scott: Yes.

Barbara Wagner: So it will look different.

Dale Scott: It will look different, yes. But it will look very similar. The aluminum trim that's on it right now would be replaced by Azek, which is a composite board; it looks a lot more like wood than aluminum siding does... If you see my color pictures, especially Exhibit "1", you can tell... or the shake shingles around, and especially in Exhibit "2", which is the south side of my house. They're starting curling... I'm not changing the footprint of the house, at all; nothing to be added onto; just siding over and replacing the windows.

Dennis Hughes: Exhibit "6" is the neighbor's house and that's basically got the same type materials?

Dale Scott: Yes, it does. That's Fred Pepper's house.

Dennis Hughes: Yes.

Barbara Wagner: Are you removing the cedar siding?

Dale Scott: No, it will just be covered up.

Barbara Wagner: So that will change the depth of your windows.

Dale Scott: They will be set out, the same depth they are. The soffits are going to come out when the windows go in so, the windows will actually be set out, pretty much where they are now.

Kevin Kelly: Maybe we should take this in two parts at the same time, so you can speak about the windows and how you intend to deal with the windows, relevant to the siding. Is that agreeable?

Dale Scott: Yes. I believe I provided a couple of pictures of the windows. I'm buying windows from Wyoming Mill Works. I have the brochure here if you want to look.

P. D. Camenisch: Will they have the same grid pattern as the...

Dale Scott: Yes, I'm going to keep the grid pattern exactly the same.

Kevin Kelly: Is that true on all windows?

Dale Scott: Yes, on all windows.

Kevin Kelly: It seems to me there's a difference in some of the windows.

Dale Scott: Right. Even if you notice on the front, in the first picture, upstairs windows have the top sash is divided in half on the grid and the bottom sash is just one whole window.

Kevin Kelly: They're 2 over 2. One's a 9 pane.

Dale Scott: All the bottom sashes, all the way around are one pane, but the tops vary on the lower floor to the top floor. The lower floor are six grid, with a top sash; six panes.

Dennis Hughes: And the bottoms?

Dale Scott: There's one, same sash.

Kevin Kelly: And that will be retained?

Dale Scott: Yes, the grid pattern will be three panes.

Kevin Kelly: And is that true on all sides of the home on the first floor?

Dale Scott: Yes.

Kevin Kelly: Does that deviation in the pattern recur?

Dale Scott: Yes, the way they did the upstairs was two panes in the top sash and the downstairs was six pane, with the exception of those picture windows; which is in number one.

Dennis Hughes: On Exhibit "2", are they new to the room?

Dale Scott: This portion of the house right here where the hot water vent is, that part is not going to change at the time, because that's the kitchen and I'm just going to leave that part of the cedar shingles on; it's going to stop right there; because that portion of the house needs to be refurbished, that wall. At a later date, from the inside, that will be redone when I move the kitchen in the house.

Kevin Kelly: So you will return...

Dale Scott: Those windows there are not being replaced.

Kevin Kelly: Nor is the siding.

Dale Scott: Nor is the siding.

Dennis Hughes: On just that one section.

Dale Scott: Right. Just that little tiny section right there.

Kevin Kelly: You have three surfaces that I can see there. One is...

Dale Scott: The upstairs portion of it, will be. Downstairs I'm probably going to just paint the existing shingles here, replacing... part of the shingles on the front side are in really good shape and I have a half a bundle of shingles that I can replace on these and then paint so they will match the siding that we're putting up.

Kevin Kelly: If we could look at Exhibit "2" for my clarification, could we take a look at the upper floor and by my count there are three windows that appear there; two in one wall and the other in a perpendicular wall.

Dale Scott: Yes, that's right.

Kevin Kelly: That siding and those windows are going to be replaced. Is that correct?

Dale Scott: Correct. That is correct.

Kevin Kelly: Will the window that is in the center, the smaller one, which is a 3 over 3 over 3, is that going to be the same as it is now?

Dale Scott: It's going to be the same as it is now. That is the bathroom.

Kevin Kelly: Okay and I can't determine from the photo, just because there was glare; I don't know what that window is, but that will also be replaced?

Dennis Hughes: It's the bottom of... to the left.

Dale Scott: You're referring to this window here?

Dennis Hughes: To the left.

Kevin Kelly: No, Sir. I'm still on the upper floor.

Dale Scott: Oh, the upper floor. This one, yes...

Kevin Kelly: I can't see what that is.

Dale Scott: All the upper windows will be replaced.

Dennis Hughes: Oh, this one here.

Barbara Wagner: I can't see.

Dale Scott: All the way around the house, all the upper windows will be replaced.

Kevin Kelly: Alright and then, again, for clarification for me, at least. On the lower floor these look like almost casement windows, are they?

Dale Scott: They do not open, at all. I think they did at one time. I think they were the kind that had the lever at the bottom and the casement swing out. They're fixed windows.

Kevin Kelly: But that's the wall and those are the windows which you are not replacing.

Dale Scott: I'm not going to replace. No.

Kevin Kelly: Are they in public view?

Dale Scott: No, they are not.

P. D. Camenisch: It's the back of the house.

Dennis Hughes: That's the back of the house.

Dale Scott: Yeah.

P. D. Camenisch: What was under the siding when they put it on?

Dale Scott: That's really hard to tell. I think it was cedar underneath to begin with, but it could have been clapboard, gap clapboard even; you knew, where they left spaces in between, like they used to do roofing and they just put the shingles up. They were just some sort of foil underneath of that shingle, because you can see it. You can't see behind that, but I know those shingles went on in 1963.

Barbara Wagner: I have a question on trimming out these vinyl windows. Are they going to be trimmed out to be exactly the same as these?

Dale Scott: Yes.

Barbara Wagner: So that you are purchasing vinyl windows that fit these openings exactly?

Dale Scott: That's correct. They are replacement windows; they are not new construction windows. Replacement windows, the only thing that will come out is the trim on the inside and the stops on the outside; the windows go in and screw in and trim down from there.

Dennis Hughes: Are you going to use the trim, that for the trim?

Dale Scott: This is the trim.

Kevin Kelly: So the dimensions of the windows that you are replacing the windows with, are the same as the windows which exist now?

Dale Scott: They're exactly the same. Correct. Yes.

Kevin Kelly: Your plan, Sir, is to paint or something the siding that is...

Dale Scott: Yeah, this little section right here.

Kevin Kelly: And the reason for not doing the whole job, is that you have work to do in

the interior of the house?

Dale Scott: Right. If you go to number "3" where the \_\_\_\_\_ is? That is what would have been the dining room at one time. My plans are to move the kitchen to that room and then once the kitchen is in that room, then I can refurbish the bath and that section... because the bathroom is probably 6'X8'.

Kevin Kelly: So then you would return to this Commission for approval for the work on that portion of the home?

Dale Scott: For that portion, yes and probably put that siding up at that time. That wall there, needs some restructuring.

P. D. Camenisch: Question. Exhibit "1" at the bottom picture, you have aluminum siding on the gable end and you also have aluminum siding on the gable end of the porch. Are you replacing those with cedar impressions also?

Dale Scott: No, I was going to leave that as is for the time.

P. D. Camenisch: You're not replacing the...

Dale Scott: They can be though; that could still be put into the contract; it's not part of the bids I have at this time.

P. D. Camenisch: So you're leaving the aluminum siding as is on the gable?

Dale Scott: On the gable and that little portion of the porch. Azek could go up there too. That would not be a problem.

P. D. Camenisch: But that's not part of your request.

Dale Scott: That's not part of the bid, right now; but it could certainly be added to it.

P. D. Camenisch: The windows that have air conditioner units in there, are you planning on, just as a question, are you going to change the heating system, or are you going to...

Dale Scott: Not at this time.

P. D. Camenisch: So you'll be putting those back?

Dale Scott: In hot weather times, yes.

P. D. Camenisch: Will they fit the windows?

Dale Scott: They will still fit the windows, yes.

Kevin Kelly: Is that aluminum siding consistent on both sides of the gable?

Dale Scott: Yes it is. You can see the aluminum on the porch side.

Dennis Hughes: Yeah on "3".

P. D. Camenisch: Did you get an estimate on how much it would cost to replace all the cedar shakes?

Dale Scott: I did not. I know that cedar shakes are about \$2.20 a square right now. I don't know whether that's based on 9" showing, or 7" showing.

Barbara Wagner: Since you're getting the replacement windows, did you get an estimate on wooden replacement windows with true divided lights?

Dale Scott: No, I did not. From talking to the people out of Wyoming, the cost was probably more than I could have handled.

P. D. Camenisch: The corners in Exhibit "3" and Exhibit "2", the corners of the house, will they also be made of Azek?

Dale Scott: Yes, I'm using Azek corners.

P. D. Camenisch: With the Azek that has the groove that fits the impressions?

Dale Scott: Yes. Then the corner piece is with this type of grain in it.

P. D. Camenisch: Right.

Dale Scott: Which I think will look nicer than the aluminum that is on it now.

P. D. Camenisch: Do you intend to put back the storm windows?

Dale Scott: No. I find them rather unsightly, anyway. The aluminum is starting to go away on it.

P. D. Camenisch: When you put replacement windows in, you really don't need to put storm windows back.

Dale Scott: No. And as you can see on the picture windows, there are no storms over those, so that's a single-pane glass; rather cool in the winter.

Dennis Hughes: Are there any other questions for Mr. Scott? As we say, we're going to do this in two, the windows and the siding, two different things.

P. D. Camenisch: Before you do that, I have an observation of properties surrounding Mr. Scott's house; within eyesight of Mr. Scott's house, across the street on Sand Street, the front of the house has cedar impressions; the gable ends on both of the houses, all four gables at the corner of Wharton and Chestnut, which is on the corner; that's the cement block house has cedar impressions; the house at 418, which is the Pepper house, his entire house has cedar impressions, with replacement windows; and the house next door to Barbara Wagner on the side of the house that faces the funeral home, it has cedar impressions on a large section of that house; so it's in context with the neighborhood, so I just want to make that statement.

Dennis Hughes: Okay.

Kevin Kelly: Mr. Chairman, I draw the attention of members of the commission to Part 220, page 57, under Zoning, Part 220-21, or sub-section three, Siding Material; all materials shall be consistent with and appropriate in design texture and other visual qualities to the style and period of the structure and in keeping with the general appearance of other structures in the neighborhood. Siding, including brick, stucco, wood, cement and vinyl can all be considered, but if used, should have a traditional appearance and profile that fits both the style of the structure and the neighborhood.

Dennis Hughes: Any other comments?

Barbara Wagner: My comment would be that we do have to be mindful of the resurvey of the town's Historic District and that one of the comments was that there was a lot, in the first third that they resurveyed; there were numerous replacement of siding with vinyl; and that there were replacement of glass windows, wooden windows, with vinyl and that at the point that the survey was done, there wasn't enough change to threaten the integrity of the Historic District. But I do think that and I understand that there have been multiple properties that have had these approved, but we have to be mindful that we may reach a tipping point where we have really decreased the integrity of the Historic District through all the changes. But I understand what you're saying, that all of the properties have had these changes made. It will be interesting to see what the next survey report says.

P. D. Camenisch: This all leads back to training, it leads back to the point that we all need to make to the Town Hall and to the town officials, that there needs to be a criteria, a set of guidelines, that when a person goes to Town Hall and asks for permission to do something, there should be a set of guidelines that they bring out like a bible and say this is what you can do, this is what you can't do, period and that is not now in the realm of our Town Hall, and the administration has not approved that; and until we do that, we're held to the standard of what we have to go by and a lot of it is integrity and we feel that the integrity of the town and the traditions of the town, should remain the same with all the structures that are here; but, we can't all be purists. We have to be a balancing act and that's what our position is. We are a review committee. I'm not trying to give a lecture to

anybody, I'm just stating a point that this is how I feel and there were some things brought up in a discussion of the Comprehensive Plan that were not true about the Historic Preservation Commission and some of them were sort of a stab in the back and I feel that there are people in the town that really want to keep everything traditional and they should; but we need the guidelines and so that's where I stand.

Barbara Wagner: I understand where you stand. I agree, we need guidelines. I just wanted to put in the record that we need to be mindful.

P. D. Camenisch: Agreed.

Dennis Hughes: Okay, any other comments? If not, we'll take the siding first and if someone will make a motion in reference to this.

Kevin Kelly: Mr. Chairman, I move to approve application made by Mr. Dale Scott to replace existing windows in the house at 422 Federal Street, with vinyl windows of the same dimension and with the same number of lights in the windows.

Dennis Hughes: Did I say siding? I'm sorry.

Kevin Kelly: I'll withdraw that motion.

Dennis Hughes: Okay.

Kevin Kelly: I'll move to approve the application by Mr. Dale Scott to replace existing cedar siding, with cedar impression vinyl siding of similar appearance, consistent with existing siding in the community.

Dennis Hughes: Do I hear a second?

Barbara Wagner: I'll second.

Dennis Hughes: Okay, we have a motion made and seconded to accept the application for the residing of the house as stated in the motion. Are there any questions on that motion? If not, we're going to do a roll call vote:

Barbara Wagner	Yes
Dennis Hughes	Yes
Kevin Kelly	Yes
P. D. Camenisch	Yes

Dennis Hughes: Okay, that part of the application has been approved. Now we'll move onto the windows. I'll entertain a motion in reference to the windows.

P. D. Camenisch: I recommend we allow him to change the windows to the exact grill pattern and to the specifications that he has specified in the documents submitted.

Dennis Hughes: Do I have a second for that?

Barbara Wagner: I'll second.

Dennis Hughes: We have a motion made and seconded. Are there any questions on that motion? If not, we'll start again with a roll call vote:

Barbara Wagner	Yes
Dennis Hughes	Yes
Kevin Kelly	Yes
P. D. Camenisch	Yes

Dennis Hughes: Motion approved, so Mr. Scott you can go to the Town Hall and get your permits and everything you need. Again, I'm sorry for the mix up.

Dale Scott: No problem.

Kevin Kelly: Is it appropriate that we add to the record about the wall?

Dennis Hughes: Yes, we could.

Kevin Kelly: His application is clear, but... just a question. Thank you.

Dennis Hughes: It's in the record, yes and you know that if you did do that, you'll have to come back?

Dale Scott: I'll come back later.

Dennis Hughes: Okay, thank you.

- b. The application from Lisa Falzarano for the placement of a sign located at 109 Union Street further identified by Sussex County Tax Map and Parcel # 2-35-14.19-185.00.

Dennis Hughes: We have the application and it's for description of work is signage, rectangular, white background, black lettering, barn red or burgundy; the colors we do not control. It looks like your sign is 24X48", right?

Lisa Falzarano: Right.

Dennis Hughes: Do you want to make any comments, or do you want to...

Lisa Falzarano: I don't have any additional comments, per se; just what you see. The Roger's Sign Company is going to be doing the work and it is 24X48"; it's manufactured out of a double sided aluminum and it will be a projecting sign; there is an existing steel bracket that was there from the original Hardware Store, still intact, that Roger's took a look at and it is aluminum, because it's a lightweight sign, so there shouldn't be any kind of an issue with that, as far as weight. This is our logo. It has a distressed look. The barn is distressed and the words The Mercantile is distressed and then the rest is all solid and it will have a black scalloped border.

Dennis Hughes: Does anybody have any questions for Lisa?

Lisa Falzarano: The projected picture that Roger's was able to do, it does make it look a little large, as opposed to the \_\_\_\_\_, which is about 6' protruding the building, so Jared was only able to give you a view that looks like it's going into the windows, but he said that this is the best that he could do.

P. D. Camenisch: So the projection of the pole is 6', but your sign is only 4'?

Lisa Falzarano: Correct.

P. D. Camenisch: We've looked in the regulations and does this meet our criteria for the right size sign?

Dennis Hughes: Yes, it's in Signs. Is it in the Town Center? I'm sorry. Under E-1. There's no sign up there now?

Lisa Falzarano: Correct, there's no sign up there now.

Dennis Hughes: So I know it won't go over; you're allowed to have it.

P. D. Camenisch: There's a limit on square inches or square... but I don't know what it is.

Dennis Hughes: I think that the two by four is... Okay, here we go.

Kevin Kelly: Mr. Chairman, of the Revised Code, Part 220, page 106, Projecting Signs. This is a projecting sign, is that correct? The total area shall not exceed 30 square feet; no projecting sign shall extend above the roof line of the building. No projecting sign shall cover wholly or partially any wall opening. No projecting sign shall include moving, flashing or animated parts. Projecting signs shall be at least eight feet above the sidewalk. That's Section 220-66, Signs in C-1, Commercial and Business Use District.

Dennis Hughes: Are there any other questions?

Kevin Kelly: Ms. Falzarano, what is the sign square footage?

P. D. Camenisch: Four feet.

Kevin Kelly: Four feet.

Barbara Wagner: Eight feet. Two by four.

Kevin Kelly: Yeah, eight feet. Excuse me.

Barbara Wagner: Eight square feet. Big math.

P. D. Camenisch: I didn't go to Milton school.

Kevin Kelly: Thank you for the advanced math. Thank you very much. And it is more than eight feet or more above the walkway?

Lisa Falzarano: Yes, it is quite high; the existing bracket is... I didn't measure that part, but it's got to be a good 16'; the bracket comes out of the second story, if not, slightly above the second story windows.

Kevin Kelly: I just wanted an affirmative statement for the record, that's all. Thank you.

Lisa Falzarano: It's affirmative.

Dennis Hughes: So the sign square footage is legal. We have nothing to do with the color and if nobody has any other questions, we'll vote on the application.

P. D. Camenisch: I make a motion that we approve the signage.

Dennis Hughes: I have a motion by P. D. Camenisch. Do I have a second?

Barbara Wagner: I'll second.

Dennis Hughes: Are there any questions on that motion? If not, we'll do a roll call vote again:

Barbara Wagner	Yes
Dennis Hughes	Yes
Kevin Kelly	Yes
P. D. Camenisch	Yes

Dennis Hughes: Motion approved. You can put your sign up tomorrow.

Lisa Falzarano: Yes, I wish.

Dennis Hughes: And again, we're sorry about the mix-up.

Lisa Falzarano: We were gunning for the grand opening tomorrow, but we're not going to be able to make that, but we'll get it; hopefully before Labor Day. So thank you very much.

P. D. Camenisch: Thank you for coming to Milton.

Lisa Falzarano: Our grand opening is tomorrow, in case you're around. We'll have cocktails, sandwiches and food. Thank you. Have a good night.

### **THIS DISCUSSION STARTED, HOWEVER, THE TOPIC WAS NOT ON THE AGENDA**

Barbara Wagner: Do we need to turn this into Planning and Zoning, as soon as we have the exact wording?

Dennis Hughes: To the town.

Kevin Kelly: Yeah, I just thought that I would put in precise wording, what I think we agreed to; what I believe... at least I was trying to say at the last meeting, which your summary for presentation is in terms of a theme and a meaning and so on, is correct.

Barbara Wagner: Do we need to turn yours in to them?

Kevin Kelly: I don't know. It's fine with me, if we do, but it's fine with me if we don't, as well. I just thought for our going forward, it gives us a road map.

Barbara Wagner: No, I agree.

P. D. Camenisch: Is there going to be another hearing?

Dennis Hughes: A final, I think, isn't that it?

Barbara Wagner: They announced that the Mayor had said that because it was during the day, she was concerned that enough people wouldn't have an opportunity to come and comment and she was asking them to consider a second date, for Historic Preservation. I haven't heard anything. Has anybody heard anything?

Kristy Rogers: Planning and Zoning met last night and redid their schedule; nothing else was included for Historic Preservation.

Barbara Wagner: So, Mrs. Rogers, should this go to Planning and Zoning?

P. D. Camenisch: Yes.

Kristy Rogers: I'm willing to email it to all of them.

Dennis Hughes: Yeah and I think too, that also we email this to the Mayor and Council so they'll have an idea of what we're going to be doing.

Kevin Kelly: Would you like me to email that to you, so that as Chair, you can email that to her? How do you want to do that?

Dennis Hughes: You can send it to Mrs. Rogers and say the Commission...

Kevin Kelly: Is that agreeable to the members?

Barbara Wagner: Yes.

Dennis Hughes: Yes. Can we make a straw vote, so that we have it on the record that everybody's in favor of it?

Kevin Kelly: Yes.

Barbara Wagner: Yes.

P. D. Camenisch: Yes and I would also like to say that we need to have some input. Barbara's got a lot of things that are very traditional to the town that need to be preserved and we need a list of... if they're going to put replacement windows in, let's put replacement windows in that are correct. They make them and they're not that expensive and they are true divided light. You can buy them in wood. You can buy them... They use them in Lewes all the time. I've used them in Lewes and the siding, I don't know about siding. I know it's very expensive and I know people in the district, that come to Milton that buy a historic house want to preserve it, so maybe they have the funds to do it, but not everyone that comes before the Commission has deep pockets, so we have to be sort of, let's say, cognizant that some of the elderly people that come, or have inherited houses from... just like this man, Mr. Scott. He inherited this house and I'm sure his heating bill in the winter time is probably \$600 or \$700 a month and maybe this will help him. There has to be some middle point.

Barbara Wagner: I agree with you. I'm not disagreeing with you. Mostly, we need to write down what's okay and what's not okay.

P. D. Camenisch: Exactly. It will make our job a lot easier.

Barbara Wagner: Absolutely. There's also an error in the Code that talks about an applicant having to notify his neighbor's. That really needs to be changed, because that's not being done. We need to be consistent with what's really happening.

P. D. Camenisch: That's in the Code?

Barbara Wagner: Yes.

Kevin Kelly: I saw that. The first time I read through and I joined this Commission, it said you have to run over and tell your neighbor what you're going to do.

Barbara Wagner: Yeah.

P. D. Camenisch: For a variance, you have to...

Kevin Kelly: But this is not a variance.

P. D. Camenisch: Is it true that anyone that comes before the Commission and has an objection to what we tell them, do they have the right to go to the Board of Adjustment?

Barbara Wagner: I think that we have to put that in, or...

Dennis Hughes: There's an appeal in there.

Barbara Wagner: There has to be a route of appeal.

Dennis Hughes: There is appeal somewhere.

Barbara Wagner: I think it says the Board of Adjustment.

P. D. Camenisch: Does it cost them any money to do that?

Dennis Hughes: \$400, isn't it?

P. D. Camenisch: Well that should be eliminated there.

Dennis Hughes: The fee to come before us is not there, if it's a Historic Preservation with money and stuff for the \_\_\_\_\_, there might be a thing; if it's directly related to this appeal, then maybe they could appeal it without...

P. D. Camenisch: I think there should be an appeal for variances. There should be a fee for variances, because there's a lot of paperwork involved for the town and through mailings and all that, but for someone to object to what we say and would like to take it to another level, I don't think they should have to pay.

Barbara Wagner: No. I agree. I think we really should look through the Zoning Code, because we need to make it consistent with what's being done and I don't think that it's very inviting to Historic Preservation, to then tell somebody they have to pay \$400 in order to appeal what we've said. This is a really nice User Guide. I have one for everybody and we don't need to reinvent the wheel.

P. D. Camenisch: No, no we don't.

Kristy Rogers: If I could go back one step further, I think if it's the same instance that we are all referring to for an appeal, it's upon the approval of Historic Preservation, the Code Enforcer has to make sure that all is followed, so the appeal of the Code Enforcement Officer is what this person is referring to.

Kevin Kelly: Right.

Kristy Rogers: Which would cost \$400.

P. D. Camenisch: Okay, so it's his time. You pay for his time.

Kristy Rogers: I don't know if it can cover legal fees, if we had to have that opinion made, as well. I don't know if it's a direct appeal of Historic Preservation, but in this instance, it's an appeal of the Code Enforcement Officer's decision.

Dennis Hughes: I don't know who all... I know Kevin was on there at the time and I got on there too. I had requested when a project is completed, that we have approved, that at that next meeting, Robin would come back to us and say this work was done per your approval. Because right now, he would say that he goes ahead and he does something else and we don't know and yes we did approve it, but we didn't approve that. I don't know whether he never had the time to do it, but that's something that I think you all know that I requested that and to my knowledge, I don't think we ever got anything.

Kristy Rogers: And I heard your comment from last meeting; that very same concern.

Kevin Kelly: I think it's very important, because I think sometimes people in a community, because somebody doesn't do exactly what they said and what we approved, they do something differently, from the community's perspective, Historic Preservation said you can do that. Well, that may or may not be true. There's a record, but there's no follow-up; there's nothing at the end where they come back and say this is what was

done and this is what you say that they could do...

Dennis Hughes: Or this application is now complete.

P. D. Camenisch: Is that part of the... what's that thing that we have to do to be a...

Barbara Wagner: To be Certified Local Government?

P. D. Camenisch: You have to have the enforcement leg of it?

Barbara Wagner: I don't think that's in there.

Dennis Hughes: It's nice to know that somebody has checked it.

Kevin Kelly: We have enforcement, the town has enforcement. We just need to be included in the loop that the enforcement was applied...

P. D. Camenisch: That the Code Enforcer knows what we do. Does he know what we do?

Barbara Wagner: No. This is an educational project for everybody, not just the Code Enforcer; it's everybody that needs to know what we do. And Economic Development doesn't know what the economic benefits of the Historic District are.

P. D. Camenisch: It's tremendous. Look what happened to Lewes.

Barbara Wagner: Right, but they don't know that. The educational process has to go at every level.

Kevin Kelly: In 1972 when we were coming down to visit in Town of Fenwick Island, where my mother-in-law lived, we would come up to Lewes and it was like, why would anybody drive down here? They got their act together.

Barbara Wagner: They did. Here's what the Certified Local Government program requirement's are. A Statement of Purpose and Definitions. I think that's in our Code. The establishment of an adequate and qualified Historic Preservation Review Commission and the original application to become a Certified Local Government, there is a discussion of a company, or a consultant, that we could go to with difficult questions and I know if we ever used them; and I don't know if they exist. But that could be a way to bring expertise. An assignment of powers to the Commission to carry out the provisions of the zoning ordinance and that's really what you're saying we need from the Town Council and then we have to have procedures and locally established criteria for the designation of local landmarks and/or local Historic Districts; procedures and standards for the review of demolitions, alterations and other actions; procedures for enforcing the zoning ordinance; an appeal process for decisions rendered under the zoning ordinance, so that would be going to the Board of Adjustment; and, procedures for public hearings and notification. I think we also need to have By-Laws. It's all doable. It's going to take time.

P. D. Camenisch: It needs to start now. It's been let go too many times before about things that we were vague on, but there was the rules that are vague sometimes, so it needs to be in concrete.

Barbara Wagner: And I don't think anybody was trying to stab anyone in the back. I think they tried to make it a neutral statement that there hadn't been training and there wasn't training.

P. D. Camenisch: There hasn't been training and there's been a lot of people out here that didn't know what they were doing on the Commission. They were just appointed.

Barbara Wagner: Right and not appointed for a reason.

P. D. Camenisch: Right.

Barbara Wagner: And they don't care, potentially.

P. D. Camenisch: Well, I think they care to a point, but they don't have the expertise or

the knowledge that you and I have, or some of the other people have that have been building and doing this work all their lives. I put in replacement windows if people want them, but I really don't like them. I'd rather... of course it costs like \$300 to reglaze a window and put it in, so...

Kevin Kelly: My frustration with the statement, as it was made, is it's like everything else when you paint with a broad brush, you are not being accurate in what you're do. We have people who are on this Commission who have very specific expertise in a number of aspects and they were appointed to the Commission because they had that. I think that was... Things get said in public meetings that... that's the way it goes, but it doesn't help if one public forum in the community uses it's leverage, or it's influence, or it's opportunity to be publicly critical of another organization in the town. I think that's inappropriate behavior on the part of the individual who made the comment and for that particular meeting; it seemed to me that way.

Barbara Wagner: Are you referring to the one on the 13<sup>th</sup>?

Kevin Kelly: Yeah, the statement that people need training and there is no question that people on commissions in town, any commission in town, need training. That's absolutely true.

Barbara Wagner: Well, but the Certified Local Government criteria says an annual training; that was just a neutral statement of fact.

Kevin Kelly: But my argument is, that in fact, some of us came with significant training.

Barbara Wagner: We're not having an annual training once a year as it states in the guidelines.

Kevin Kelly: That's what should have been said. The way it was said was, people don't have training. What should have been said is, that the community has not provided annual training for members of the Historic Preservation Commission; that's how it should have been said. That's a fair statement, because then the responsibility falls where it ought to fall.

Dennis Hughes: And also the other committee's, I don't there is...

Kevin Kelly: On all the committee's, of course.

Dennis Hughes: I know when Bushey was Mayor and I was on the Planning and Zoning, up there, before DelDOT, the Parity Building; we used to go up there once a year, they had a thing on Planning and Zoning. They had lawyers there and...

Kevin Kelly: I think if some of us remember, we actually initiated, or tried to initiate, training and conversation in meetings with the Lewes Historic Preservation Commission, with the Rehoboth Beach Historic Preservation Commission. What was that, Denny, 3 or 4 years ago that we did that and it went nowhere. So I think that's the problem with the statement that was made. It is not an accurate statement and it simply reveals that the person making the statement just doesn't know that, apparently; but you shouldn't speak about things about which, you don't know.

Dennis Hughes: There was another statement made too, but during that statement, yes we did allow the windows; but according to the Code we were working with, we were within our Code and if we go against the Code, we can't go against the Code.

Kevin Kelly: I think Mrs. Rogers point is well taken, that if we continue to do that sort of thing, it isn't a definite that it will cause us problems down the road, but there's at least some reason so be concerned that it might, and so we need to be at least addressing it and thinking in terms of how can we accommodate all the needs of the people who come before us? Not just one group or another, but what can we do and how do other

communities handle this?

Barbara Wagner: But the other part of it is that how could we possibly turn down Mr. Scott, when he's included a picture of his neighbor's replacement windows? It's not possible.

Kevin Kelly: No, it isn't. You have to. It's not fair.

Barbara Wagner: No. So someplace we need to get advice on how we tell the community that we got off track and we want to go back on track; it's best for their interests and could they come with us?

Kevin Kelly: Exactly, yes.

Dennis Hughes: According to the Code, we're on track.

P. D. Camenisch: According to that Code...

Dennis Hughes: According to the Code. You know what I mean? If we denied him, then he has all the right to go to the Court, if you've...

Kevin Kelly: I think none of us, each of us, is saying no you can't deny him because that was what happened; but the problem is, down the road, how do we reconcile a concern about future implications of decisions that are made in the community if we don't take a look at what we've been doing. There was a time... Let's do it this way, let's go back to when we did it before. There was a time when we didn't have a Historic Preservation Commission and people did whatever they wanted to in their houses. So, at some point, this community decided, you know, that's not good enough. We need to be maintaining these houses and no, you can't just do that; you can't just rip it down and put up a different style house.

P. D. Camenisch: A lot of houses vanished.

Kevin Kelly: Right and so we made that decision and that was uncomfortable for people, because maybe you were the next person who was going to rip a house down and put a brand new model up and guess what, now you can't. So we just need to keep in mind that all those kind of changes have to have a start point and we just need to be sure that what we are doing, we're doing with the community and not to the community. We need to be... This has to be... We have to agree on all this. What we need to do is to provide the leadership.

Barbara Wagner: We have to get with. Absolutely.

Kevin Kelly: Right.

Barbara Wagner: We can't do anything if we sit here as a Commission and make statements to people.

P. D. Camenisch: Correct.

Barbara Wagner: But there may be ways that we could even figure out ways to help people, who don't have the funds...

Kevin Kelly: So I renew my request that we meet with people like the Lewes Historic Preservation Commission and Rehoboth Beach Historic Preservation Commission and talk with them.

P. D. Camenisch: Nobody's going to do it, but us. We're the only ones that are going to do it. There's nobody else in town that's going to try to change things, unless us 2, 3, 4 try to work together and try to set up a set of guidelines; a list of materials you can use; and go by those guidelines that you have. I would love to say to him you've got to put cedar shakes back on; I would love to do that. Or you have to put windows in there that look like they're old windows.

Barbara Wagner: I know.

P. D. Camenisch: I would love to say that to him.

Barbara Wagner: I agree. When I saw Mr. Pepper's house and his application, it's all over.

Kevin Kelly: But Mr. Pepper's house was in his application because Mr. Pepper based his on somebody else's house and this goes back longer, I think, than any of us have been on this Commission...

Barbara Wagner: But, then there's something else to think about Mr. Pepper's house; because I happened to just be at the hearing where Mr. Pepper presented his application and all of the trim that he's used to change the appearance of his house and make it prettier, that was never... he never applied for that. He applied for the bump-out to build a closet. He didn't apply for all the things he's done.

P. D. Camenisch: I was on the Commission then.

Kevin Kelly: But, accepting that that's true and I'm not disputing that; that's where the enforcement issues comes in.

Barbara Wagner: Absolutely.

Kevin Kelly: We don't have the ability to enforce that.

Dennis Hughes: We don't know that if they don't come back.

Barbara Wagner: I may have some of it wrong, but I was there and the main thing I remember he was asking for a bump-out, so he could build a closet and he's got a lot of gingerbread now and it looks different. It doesn't look like an 18<sup>th</sup> century house.

Kevin Kelly: But again, that's an enforcement issue. We can't enforce that.

Barbara Wagner: That's an enforcement issue.

P. D. Camenisch: We can't enforce. \_\_\_\_\_ this whole situation here is just... once it leaves that door...

Kevin Kelly: So again, then somebody from the town might look and say, what were those people thinking? We didn't let him do... You can check what was approved, we just don't control that. Somebody needs to. I'm not disputing that.

P. D. Camenisch: Kristy's going to do it.

6. Adjournment

P. D. Camenisch: I make a motion to adjourn.

Kevin Kelly: Second.

Dennis Hughes: We have a motion made and seconded, to adjourn. All in favor say aye. Opposed. Motion carried. Meeting adjourned at 7:32 p.m.