

MINUTES  
HISTORIC PRESERVATION COMMISSION  
July 17, 2009

MEMBERS PRESENT: Pat Roseland, Jean Kessloff, David Viall, Duane Baumgartner, Michael Bender, John Wagner

OTHERS PRESENT: Dan Senftner, Matthew Batchelder, Peter Schmid, Micah Schmid, David Asbridge, Aaron Costello, Joel Landeen, Marcia Elkins, Karen Bulman, Sharlene Mitchell

Call to Order

Viall called the meeting to order at 7:30 a.m.

Approval of Meeting Agenda

**Roseland moved, Baumgartner seconded and carried unanimously to approve the meeting agenda.**

610 7<sup>th</sup> Street (09CM017)

Batchelder provided a brief description of the proposed interior alterations to construct an enclosed office area and an enclosed kitchen area per the Department of Health standards.

**Bender moved, Roseland second and carried with Kessloff abstaining to recommend a finding that the addition of a new wall to enclose a back room office area, the addition of a new wall to enclose a kitchen area per Department of Health Standards, and the addition of new electrical if required to support refrigeration and freezing units to the property at 610 7<sup>th</sup> Street will have no adverse effect on historic property.**

Minutes

**Wagner moved, Roseland seconded and carried unanimously to approve the minutes of the July 2, 2009 meeting.**

Treasurer's Report

Mitchell presented the Treasurer's Report noting that the final draw for the 2008-2009 grant has been submitted and that the unexpended balance of \$2,604.89 has been relinquished. Mitchell indicated that the 2009-2010 grant of \$10,500.00 was effective as of June 1, 2009. **Roseland moved, Kessloff seconded and carried unanimously to accept the Treasurer's Report.**

Peter Schmid Discussion – 1819 West Boulevard windows

P. Schmid briefly reviewed the issues regarding the replacement of the kitchen and second floor windows at 1819 West Boulevard. P. Schmid addressed the expense involved with restoration of the original living room windows noting that while the windows are inferior with regard to energy efficiency they are being restored for their uniqueness. P. Schmid introduced David Asbridge, the general contractor for the remodel project.

Elkins clarified that any change in the rough window size opening requires a building permit triggering the 11.1 Review. P. Schmid stated that he was unaware of the building permit requirements for window replacement and that it was not his intention to bypass the requirements of the Historic Preservation Commission.

Landeen clarified that the discussion item is for only the four windows that have been found to be an adverse effect. Landeen indicated that there may have been additional window replacements which may require a building permit and 11.1 Review noting that they would not be addressed under this discussion item.

In response to a question, Bulman indicated that the City Council action was on the four windows that have been reviewed noting that three of the four windows have been installed. Bulman indicated that a fifth window was installed approximately three weeks ago and may require an 11.1 Review. Landeen indicated that staff will review the window replacement to determine if a building permit and 11.1 Review are required.

In response to a question from P. Schmid, Landeen indicated that the State Historic Preservation Office has found the four windows to be an adverse effect. Landeen indicated that the Council is seeking a recommendation from the Commission to resolve the issue.

Discussion followed regarding the feasible and prudent alternatives available including replacement of the four windows with windows of the same size, design and material as the original windows and the addition of bars to the current windows to simulate divided lights.

In response to a question from Costello, Viall address the manner in which metal clad windows are constructed noting that the cladding could not be removed or covered with wood.

P. Schmid addressed the financial expense associated with the remodel project and requested the Commission's assistance is finding an acceptable resolution to allow the retention of the four windows.

Discussion followed regarding the motion taken at the May 15, 2009 meeting, the recommendation by the State Historic Preservation Office with regard to the use of simulated divided lights and the need to distinguish between the original home and the new addition while incorporating elements from the original structure into the new addition.

Elkins clarified that the windows in the new addition have been approved and any changes or modifications to those windows would require a new 11.1 Review. Elkins stated that the focus of the discussion today was on the four windows in the original house that were determined to be an adverse effect.

Costello expressed his opinion that it would be difficult for the Council to require removal of the windows. Costello suggested requesting direction from the State Historic Preservation Office regarding options for maximizing the contributing aspect of the three installed windows and possibly replacing the remaining window with one that would meet historic requirements.

In response to a question from Costello, Bulman indicated that the State Historic Preservation Office will not revisit their finding of adverse effect. Bulman clarified that Council is now responsible to determine if the Schmid's have addressed all feasible and prudent alternatives.

Discussion followed regarding the original cost of the four windows and the cost to purchase new windows that would comply with the size, design and material requirements. P. Schmid addressed the varying age and design of all the windows in the house noting the desire to provide continuity in the visual appears of the home.

Bender recommended and Roseland concurred that the Commission should address methods to mitigate the adverse effect of the new windows. Bender requested a commitment from P Schmid that when the four windows are replaced in the future that they be restored to the same size, design and material as the original windows. Discussion followed regarding the options available to mitigate the adverse effect of the four new windows. Bender recommended that the original fourth window be removed intact and donated to the Historic Preservation Commission to conduct an educational workshop on the restoration of historic windows.

Wagner indicated that this is an issue of law noting that the applicant has not addressed the feasible and prudent alternatives. Discussion followed regarding the application of feasible and prudent alternatives. Landeen indicated that the Council is seeking input to resolve the issue.

Wagner stated that the applicant should be required to provide financial information to support their statement that they cannot afford to replace the four windows. Discussion followed regarding requiring the submission of personal financial information.

In response to a question from Roseland, Elkins indicated that the Commission can make a recommendation addressing feasible and prudent alternatives to mitigate the adverse effect of the four new windows. Discussion followed.

**Bender moved, Roseland seconded and carried with Wagner voting no to recommend the following requirements to mitigate the adverse effect of the four windows:**

- 1. That the three installed windows be allowed to remain;**
- 2. That the fourth window east of the fireplace shall be replaced with a window to match the three installed windows;**
- 3. That simulated divided light be applied to the interior and exterior of all four windows;**
- 4. That the fourth window be removed intact and donated to the Historic Preservation Commission for an educational workshop on window restoration; and,**
- 5. That the Schmid's agree that when these four windows are replace in the future that they be restored to the original size, design and materials and be historically appropriate.**

In response to a question, Elkins indicated that the recommendation would be placed on the July 29, 2009 Legal & Finance Committee agenda. Elkins extended thanks to everyone for their work on resolving the issue.

#### Public Education

Landeen encouraged the Commission to move forward with public education activities noting the public awareness generated from the Schmid issue. In response to a question from Viall, Elkins indicated that staff would work to clarify the definition of "same size" of windows.

Baumgartner commented on the need to encourage individuals to save historic elements when restoring properties. Elkins requested that the salvaging of historical materials and educational objectives be placed on the August 7, 2009 agenda as discussion items

#### Subcommittees

Bender recommended that the Commission create a backup set of the historic photograph discs.

Buildings In Peril

The Commission requested that member reports on their respective building be presented at the April 7, 2009 meeting.

Adjourn

**There being no further business Bender moved, Roseland seconded and carried unanimously to adjourn the meeting at 9:00 a.m.**