



Planning & Development Services

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Historic Preservation Commission

Worksession / Hearing Minutes of June 23, 2008

Commission Members Jennifer Stevens, Chairman, Christopher Pooser, Betsy McFadden,
Present Barbara Dawson, Stephen Smith, Katherine Forsythe

Members Present Sarah Schafer, Julie Archambeault, Teresa Sobotka, Nicki
Heckenlively

DRH08-00182 / S. Scott Huerd / 1410 & 1414 N. 18th Street

Requests Historic Preservation approval to demolish the garage and construct a two-car garage, change the exterior materials, construct a fence and re-landscape the property located at 1410 N. 18th Street and construct an outdoor patio with grill and fireplace, change the fence to wrought-iron and remove mature trees on property located at 1414 N. 18th Street in an R-1CH (Single Family Residential with Historic Overlay) zone.

COMMISSIONER MCFADDEN: I don't know the applicant. However, I am doing some work with his contractor so I will be recusing myself.

CHAIRMAN STEVENS: So you do have some financial concerns with this?

COMMISSIONER McFADDEN: Not on this application but next door.

JULIE ARCHAMBEAULT: Presented staff report with a recommendation of approval with conditions:

- a. The proposed garage shall meet current zoning setbacks, or be reduced in size to 1,000 square feet or less or a Variance be granted for a reduced setback.
- b. The accessory dwelling unit requires separate approval through the Planning & Development Services Department.

CHAIRMAN STEVENS: You think that is the garage at 1414 and they are going to reuse those plans at 1410?

JULIE ARCHAMBEAULT: That is correct. Placing a patio that spans the property line can be a problem for resale. They are still two separate properties. Staff also recognized

that more information needs to be gained on the exact dimensions of the garage. Electric fencing was proposed as part of the application and Staff is recommending against that. The removal of the stucco finish on 1410 N. 18th...Staff is recommending that if there is no proof that the house use to be clapboard siding, that the stucco remain. Staff also recommends that the applicant return with a landscaping plan indicating the mature trees to be removed and the location, sizes and types of trees for replacement and the wrought iron fence that's going to replace the wood fence.

COMMISSIONER POOSER: On the site coverage what number did you use to determine the site coverage on 1410?

JULIE ARCHAMBEAULT: Unfortunately this is Matt's report so I'm not sure. I could do a quick calculation if you like.

COMMISSIONER POOSER: If he used the 440 and the 502 it isn't going to change much.

JULIE ARCHAMBEAULT: His text he used the 440.

COMMISSIONER POOSER: Where is the wrought iron fence to go and where is the electric fence to go?

COMMISSIONER DAWSON: The plans that we are seeing show the patio to encroach onto the other property.

JULIE ARCHAMBEAULT: In this drawing it appears that it doesn't.

CHAIRMAN STEVENS: We received a memo from Matt regarding some landscape changes. Quite a number of trees that are proposed for withdrawal. I want to ask for the record if we have any arborist report telling us about any disease in these trees?

JULIE ARCHAMBEAULT: I don't.

CHAIRMAN STEVENS: We just wanted to place a condition on the application that it doesn't. Correct?

SITE VISITS

Commissioners Smith, Pooser, Stevens, Dawson and Forsythe visited the site prior to the hearing.

SCOTT HUERD (Applicant): I have no objections to the site visits. On Page 33 of the packet...I do not nor have I requested the electric fence. I thought that line item stated that no electric fences were allowed. That is my mistake if I checked the wrong box. In regards to 1414...right now we have the standard patio slab. Our proposal is for a much larger patio. The property line has been clearly identified by the pins. We are under the

impression that we would have to have a three foot setback for the patio. There is not intention to build up to the property or re-establish a fence between the two properties. We want to maintain the property lines and the distinction between the two. There is all wood fencing around the properties. On the east and west side of the property we would like the wrought iron. We would like to keep the wood fence to the north. We would like to have wrought iron on the alley. Between the two houses there would be arches and gates in between. We need to enclose the yard because of our 16 month old daughter. I wasn't aware that I had to have a specific pattern. I took a picture of what I have chosen on my cell phone but that is not available for you today. I would like to comment on Item C, which is the stucco. We took the same contractor who built our home and helped with the additional house. In his feedback there is minimal insulation and it would be hard to do so. We would have to insulate externally because we do not want to rip up the plaster walls on the interior. I understand there is a desire to maintain the stucco. We have nine homes on our block and only two of them are stucco. We would like to do the wood siding. I talked with Matt approximately two weeks ago about the trees. I did that for him and brought in a copy for him. I have in my hands the site plan and the report from the arborist that came through to look at the trees that divide the properties. I don't want to lose any of them. There are two that would require chemicals to survive and he doesn't want to put the chemicals on them with children in the backyard. There is a Maple that is in the rear yard which is where we would like to place the garage. Every mature tree will be replaced. There are a couple of 4 inch trees that we will not replace. There will be trees all along the rear property line. There is a tree that has a split approximately 5 ft. off of the ground. I have the report from Tanager Trees and I have the site plan showing new and existing.

CHAIRMAN STEVENS: We have the site plan but we don't have the arborist report. We will add this statement into the record.

SCOTT HUERD: I hope I am clarifying what we want to do. Internally we want it to appear as two properties. Externally we want it to appear as two properties.

CHAIRMAN STEVENS: This is undated. Darren Turner is the author of the statement. It says, "In the southeast corner where the new garage is to be built some Norway Maples will need to be removed. The remaining Maples in that location should be removed because of their poor form and the impact on their root zone from the construction. The trees are immature and replacement trees could fill the zone in a matter of years and have much more long term viability. The American Elms along the north fence line are infested with scale, drip heavily in the summer making everything underneath them sticky with scale excrement. With children around it is my recommendation that they be removed and replaced by a tree species that does not require regular applications of pesticides. The Norway Maple between the back corner of 1410 and the house to the north has developed a co-dominant stem that snakes back over the center creating a potential breaking spot halfway up the trunk. The tree is too far out of healthy form to subordinate and reshape". That is from Tanager Tree Service, LLC. This will be labeled as Exhibit one.

COMMISSIONER POOSER: The application indicates that it would be wrought iron with brick fence posts.

SCOTT HUERD: That has changed. It will be the standard wrought iron fence, but have changed the posts to standard posts from a cost perspective and especially because it won't be viewed by anybody but those who use our alley.

COMMISSIONER POOSER: You access the new garage from the alley? You just turn directly into the garage?

SCOTT HUERD: Identical to the garage we have now. We had indicated moving a section that was along the driveway section. I would like to address the square footage of the garage. Our garage was 20 ft. by 22 ft. We would like the additional square footage of 24 ft. by 24 ft.

CHAIRMAN STEVENS: You just want to expand them?

SCOTT HUERD: Exactly. From 20 ft. x 22 ft. to 24 ft. x 24 ft. That's why our square footage went up at the last minute. If it doesn't meet the 30% requirement we are willing to cut that back to whatever will.

CHAIRMAN STEVENS: I have several concerns with the trees. It looks like you could move the garage to the north and save the major tree and a couple of the other trees. Have you considered changing the doors to the south and have it sit at the northeast corner of the property so that you could save the trees.

SCOTT HUERD: It would take up a lot of the yard. We would have less space between the patio and the garage.

CHAIRMAN STEVENS: In regard to that patio there is nothing in regards to how high it is going to be or what it is going to be made of.

SCOTT HUERD: It will be a stamped concrete slab. It will be 11 inches tall. It is currently only 4 inches. We want to add some height to it. It will be stamped concrete.

COMMISSIONER POOSER: Have you investigated the stucco at 1410 for refurbishing.

SCOTT HUERD: No. We would prefer to look at cedar lap siding and didn't expect it to be an issue.

CHAIRMAN STEVENS: You mentioned that you would like to change the windows in that house but that isn't part of the application.

SCOTT HUERD: I checked the box but there isn't a place to elaborate on that.

CHAIRMAN STEVENS: That box isn't checked and we didn't advertise the windows.

COMMISSIONER POOSER: If you look at Page 39 I believe it is there and I think we have advertised for it.

SCOTT HUERD: Those are aluminum windows. The interior is wood.

CHAIRMAN STEVENS: Are you going to keep the grids on them?

SCOTT HUERD: We are going to replace the entire window.

CHAIRMAN STEVENS: They are currently 8/1. Are you going to replicate that and replace in kind?

SCOTT HUERD: Replace in kind.

CHAIRMAN STEVENS: The two addresses are confusing. Other questions?

JULIE ARCHAMBEAULT: We now have an additional number for the garage. The original garage that the percentage was based on was 110 sq. ft. smaller. Staff would recommend that we get a plan that reflects the additional 110 sq. ft.

COMMISSIONER POOSER: With respect to the siding how have we done that change in the past particularly when there are problems with the integrity of the material? Can we treat it similarly to a demolition?

JULIE ARCHAMBEAULT: We haven't typically in the past.

COMMISSIONER POOSER: I am not suggesting that criteria. That is a big change, but if there are structural integrity concerns with the stucco. Can we treat it almost like a demolition? If they can demonstrate that it's not safe, it's crumbling, whatever the case may be.

JULIE ARCHAMBEAULT: It is similar as to whether you are changing from wood to vinyl. Stucco, if indeed it is original stucco, is a huge thing.

COMMISSIONER DAWSON: If it were changed from stucco to lap siding, would it change the status of the property?

JULIE ARCHAMBEAULT: I would have to do some research on it. It looks like it would have had clap board siding in the past. I would have to dig into this much further to see if this house could support that large of a change and maintain its integrity. Its integrity would take a blow. That large of a change would be hard on it.

SCOTT HUERD: I have a description of a 24 ft. by 24 ft. garage. These are the plans that we turned into Matt. I am holding a copy of the ones that we turned into Matt. We would be more than happy to downsize it.

CHAIRMAN STEVENS: The drawings we have showed a 22 ft. by 20 ft. garage.

SCOTT HUERD: We submitted this with the garage size that we submitted to Matt.

CHAIRMAN STEVENS: The one with the garage?

SCOTT HUERD: The site plan we turned in with all of the trees shows the garage at the 24 ft. by 24 ft. which is what we wanted.

CHAIRMAN STEVENS: But you didn't submit new elevations?

SCOTT HUERD: The plans that are available to me...I have a description of a 24 ft. x 24 ft. sq. ft. garage which is what the plans we had turned into Matt...I'm not sure why there's confusion about the overall square footage. If there's an issue obviously with the coverage of the lot then obviously we're more than happy to go with the original lot size. We'll be more than happy to downsize back to a 20 ft. x 22 ft. if that's what's necessary.

CHAIRMAN STEVENS: If you can flip to Page 25 of our packet if you have it...the drawings we have in front of us do show 22 ft. x 20 ft. and they're stamped "Received May 23, 2008".

SCOTT HUERD: When we talked with Matt we clarified the size of the garage on our new plans when we turned them in with the issues with the trees. He asked us to clarify the trees and we clarified the garage and clarified that on our second...

CHAIRMAN STEVENS: Was there another drawing submitted at that time?

SCOTT HUERD: We submitted this which has all the trees on it with the garage size that we gave to Matt.

CHAIRMAN STEVENS: There's no new drawing with new information?

SCOTT HUERD: No...correct. We turned in that for this meeting with the tree issue and the size issue of the garage.

CHAIRMAN STEVENS: And that's the 576?

SCOTT HUERD: Correct. I don't know the answer to whether there's wood underneath that stucco. I just know I would like to see wood on top of that stucco. I want the house to look like it belongs in the North End like everybody else. Today, it's an eight year old rental. That's what it is. I think I can make it better.

PUBLIC PORTION CLOSED

COMMISSIONER SMITH: My question about the fencing was answered by the applicant. I am concerned about the trees. I would like to see a more detailed arborist report. I would like to see the orientation of the garage explored in order to maintain the Maple.

COMMISSIONER DAWSON: I have concern with the stucco. If it is original with the residence it needs to be maintained. In order to approve the change I would need to have some information that it was once siding.

COMMISSIONER POOSER: In large I would vote in favor of the application. There are things that need to be returned to us or Staff. With respect to the garage, I don't have a problem with the design, but I think more accurate plans need to be submitted so we can look at the lot coverage and the elevations. A more detailed landscape plan should be submitted. On 1410 I am in favor of replacing the windows with wood. We should add a condition regarding the divided lights to be maintained. I am not in favor of the removal of the stucco and the installation of the lap siding. Unless we could see proof that was once lap siding I don't think the stucco should be changed. We need to see the design of the wrought iron fence. In regards to 1414 it is important that the patio doesn't go over the property line.

CHAIRMAN STEVENS: The conditions that Staff suggested covered a lot of our concerns. If you find the lap siding underneath then I am willing to consider the lap siding. Without any evidence to the contrary I would be in favor of site specific condition C that the stucco be maintained. Staff also put in there that the wrought iron fence design needs to come back. I am very concerned about the trees. I think we need to save them. The trees are equally if not more important than the sharing of the homes. They provide all of the things that trees provide. We need to look at the location of the garage. I won't support the application unless we look closer at the trees. I am comfortable with the arborists report on the condition of the Maple. Mr. Huerd, is the Maple where the garage is to be built right now the one with the co-dominant stem?

SCOTT HUERD: No. That one is located adjacent to the main dwelling.

CHAIRMAN STEVENS: There is opportunity for the trees along the south property line to remain and the trees adjacent to the home.

COMMISSIONER DAWSON: In reviewing the landscape plan that we have there are 13 trees to be taken out and only 5 brought in.

TERESA SOBOTKA (Legal): I don't see where the windows are on the notice and I can appreciate that they are on the application. As far as the stucco goes...you have said that if there is wood underneath then the stucco may be fair game. He should be able to come back if he can report that it is cost prohibitive.

CHAIRMAN STEVENS: If there is damage?

TERESA SOBOTKA (Legal): I don't think you can just say, "Oh well, there isn't wood underneath it". You should say that if it affects structural elements then you can come back.

CHAIRMAN STEVENS: So it would be some sort of demonstration of damage as well as a comparison between residing the whole house and repairing the damaged stucco.

TERESA SOBOTKA (Legal): I just want to make sure that it's not just was there wood before and if there's not you've got to no matter what fix it.

CHAIRMAN STEVENS: It looks like the windows are not on the docket tonight. We can direct that to Staff easily.

COMMISSIONER POOSER MOVED TO APPROVE DRH08-00182 WITH THE STAFF'S FINDINGS AND CONCLUSIONS WITH THE ADDITIONAL CONDITIONS THAT THE STUCCO FINISH ON 1410...STRIKE THAT.

COMMISSIONER POOSER MOVED WITH A SUBSTITUTE MOTION TO APPROVE THE DEMOLITION OF THE EXISTING GARAGE HAVING MET THREE OF THE FIVE CONDITIONS BEING B, C AND E.

COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 5:0. MOTION CARRIES.

COMMISSIONER POOSER MOVED THAT WE APPROVE DRH08-00182 PER STAFF'S FINDINGS AND CONDITIONS. WITH THE ADDITIONAL CONDITION THAT AT 1410 THE STUCCO BE MAINTAINED UNLESS THE APPLICANT CAN PROVE THAT LAP SIDING WAS ORIGINAL OR THERE IS SOME OTHER PROHIBITIVE REASON THAT THEY CAN NOT USE THE STUCCO AND THAT THEY COME BACK WITH DETAILS ON THE WROUGHT IRON. THE APPLICANT WILL COME BACK TO STAFF WITH A MORE DETAILED LANDSCAPE PLAN WITH SPECIFIC DETAILS ON THE LOCATION OF THE GARAGE AND DETAIL SHOWING THE ADDITIONAL SQUARE FOOTAGE SUGGESTED, DESIGN AND NEW PLACEMENT OF THE STRUCTURE IN ORDER TO SAVE THE TREE. THE WINDOWS NEED TO COME BACK TO STAFF FOR APPROVAL.

COMMISSIONER DAWSON SECONDED THE MOTION.

CHAIRMAN STEVENS: We have a motion with the existing site specific conditions of approval with c. being amended to read, "That unless wood siding was originally there or if the applicant can prove financial reasons to get rid of the stucco as well as a condition of approval to include a landscaping plan that includes moving of the garage location so as to save the Maple trees on the south property line as well as the south back corner and

that the windows need to come back to Staff for approval because they were not advertised but they do not need to come back to the Commission”.

TERESA SOBOTKA (Legal): In regards to the landscape plan you said, “Come back to Staff with a landscape plan”. Do you want more direction than that? We talked about removing a lot and only replacing a few. Do you leave it to their discretion or are you going to give them some more guidance?

CHAIRMAN STEVENS: The guidance is to move the garage to save the trees.

TERESA SOBOTKA (Legal): Alright.

CHAIRMAN STEVENS: We have a letter here stating that the new trees will be Maples. Do you want something more specific?

COMMISSIONER SMITH: My position is that I agree with Commissioner Dawson that the majority of the trees should be saved. What I would prefer is a specific landscape plan which allows us to look at exactly what trees will be taken out, what they’ll be replaced with...numerical...and I agree with the Chair that the Maple in the back has to be saved. My concern is the number of trees that are being taken out of the lot as a whole and not enough are being put back, but I will support the motion.

COMMISSIONER POOSER: So the applicant should submit a landscape plan that is sufficient to demonstrate what is being removed and what is being replaced.

CHAIRMAN STEVENS: I am a little concerned that we already have what we are asking for. There are too many trees that are coming out and that we are not going to support the motion. The arborist says that the reason they should be removed because the trees drip sticky stuff. Do we want to have a discussion on that?

COMMISSIONER SMITH: I don’t know what sticky scale is but unless it is going to kill the trees then I don’t see that as a good enough reason to remove a tree. I don’t see this site plan as sufficient because they don’t show the replacement of the trees.

CHAIRMAN STEVENS: The North side does show that there are three new trees.

COMMISSIONER SMITH: I was specifically looking right here and here.

CHAIRMAN STEVENS: I would hope that the moving of the garage would save the one in the southeast corner and the four along the south side. We have had a lot of discussions about this and until we see them die, let’s keep them there. The motion does not indicate saving the trees on the north side. I am not sure what more we are asking for other than moving the garage.

COMMISSIONER POOSER MOVED WITH A SUBSTITUTE MOTION THAT THE LANDSCAPE DOES NOT NEED TO BE RESUBMITTED TO STAFF.

CHAIRMAN STEVENS: But a new site plan moving the garage does?

COMMISSIONER POOSER: Yes. That's completely separate in my mind.

COMMISSIONER SMITH: We would be approving the elimination of the six trees on the north side of the house?

CHAIRMAN STEVENS: That is correct unless you want to offer a substitute motion?

COMMISSIONER SMITH: Can I see the arborist report again? I don't like the idea of getting rid of those trees.

CHAIRMAN STEVENS: Does anybody know what scale is?

PUBLIC PORTION REOPENED

JULIE ARCHAMBEAULT: I had a plant with scale once and it was a small insect that crawls all over the tree and it looks like scales because...I'm not an arborist. That was on a small house plant and I had to throw it away because it was awful and it dripped sticky stuff all over my rug.

CHAIRMAN STEVENS: That sounds like it is pretty close to the same.

SCOTT HUERD: She's exactly right. Excrement is the real word. That's what's dropping in our backyard and I can't kill these items that crawl all over our trees because the pesticides will affect my child. The other issue to address is the number of trees coming out. The landscape design was something I was told by Staff that I could come with more trees...Madeline George is going to come in when the existing backyard is ready to be re-landscaped in it's entirety. The reason there are 13 trees going out is some of these trees are 2 inches around. Some of these trees are big and I want to save them. Some of them are tiny little droplings from the trees next door. That's debatable what a tree is. We all know it's a tree but is it a substantial contributor to my backyard when it's 2 inches around and 6 ft. tall? I don't think so compared to the Norway Maple that's in the corner that supplies a lot of shade. That's the one I want to keep. The Elms in the middle of the backyard are the ones that are my biggest concern of dealing with. I would try to keep every tree I can keep along the south side. I want to replace them with everything. You guys gave me a ratio tonight. If you guys gave me a ratio tonight and you said it's got to be 3 to 1 I'll do it. I'll fill my backyard with trees. I want trees in my backyard. That's what the whole back fence will be filled with. The reason you don't see 25 trees tonight is because that is something that is in evolution. I was planning on clearing out the backyard, starting the remodel on this house and having an open backyard to bring someone in and say here's our new fence. Let's fill our backyard with the stuff we want in our backyard. A backyard you would be happy to see. If I can save that tree in the corner I would be glad to. All of you visited the property so I'm assuming all of you saw every tree. Some of those trees are big and some are tiny. Some are worth

saving. I do believe they provide substantial shade and others are either heavily diseased that I can't treat or they're very small. It doesn't mean that I'm taking out 13 and putting in three. It means Matt asked me for a preliminary place where I'm going to put something back and that's what Matt got. If you give me a ratio tonight...something that's a historic North End doctrine then that's what you'll get.

CHAIRMAN STEVENS: That would be so nice if there was such a thing.

SCOTT HUERD: In a way there needs to be. For every big tree I take out I would want to put one big tree back. The reason there's three or four on the site plan is because there was only three or four major trees that were above a certain height that were contributing to the backyard. The rest were what my neighbors call little sucker trees that needed to go anyway. Give me a ratio and you'll get it.

SARAH SCHAFER: I Googled scale trees for you. It is a little insect and under damage it says for the cottony maple scale because I knew we were talking about Maple trees and this is about as close as I could get in 30 seconds. It says infestations are usually not threatening to the health of the plant however they do support sooty mold growth and heavy infestations can cause premature foliage drop and die back of twigs and branches. When you get to the Elms it does talk about how honey dew secretions are a common nuisance to cars parked under the infested Elms. It is an insect that creates the damage.

PUBLIC PORTION CLOSED

CHAIRMAN STEVENS: Would Commissioner Pooser like to add back in his request for a landscape plan based on the testimony that was just given.

COMMISSIONER POOSER: No. I'm not going to offer a substitute motion.

COMMISSIONER FORYSTHE: So the scale tree on the drawing...

CHAIRMAN STEVENS: It is those trees (*referring to the drawing*).

CHAIRMAN STEVENS: The vote is to approve the project requiring a new site plan to move the garage and save the Norway Maple and the four Maples on the property line. It is also a motion to maintain the stucco unless the applicant can demonstrate that the original siding was wood or there is an economic need for wood. The windows need to come back and the wrought iron fence must come back.

ROLL CALL VOTES 5:0. MOTION CARRIES WITH COMMISSIONER McFADDEN RECUSED.