

OXFORD HISTORIC DISTRICT COMMISSION

MINUTES

JUNE 27, 2007

A special meeting of the Oxford Historic District Commission was called to order by the chairperson, Suzanne Litty on Wednesday, June 27, 2007, at 5:00 p.m., in the meeting room of the Oxford Community Services Building, as a follow-up meeting with Michael Klein, partner of 208 The Strand, LLC, regarding the house at 208 E. Strand, permit #07-31.

Other commission members in attendance were George Gaffney, Dorothy Fenwick, Alfred Leszczynski, and David Baker. Also in attendance was Attorney Brynja Booth representing Town Attorney David Thompson, along with Commissioners Tim Kearns and James Klair.

Mr. Klein presented the commission with three letters – one that Mr. Klein had written, one from his architect Pamela Gardener and the other from Anthony Morabito, P.E., with Morabito Consultants, Inc. all explaining the deterioration of the house at 208 E. Strand. Mr. Klein explained that as demolition work began in the house, he learned that there was much undersizing throughout the house, involving framing and bearing walls. The demolition contractor was informed to go ahead and take the first floor off so that everyone could see what was going on underneath the house. What was discovered was that the house had been built on piers and that those piers were sandbrick whereby the mortar was falling off. It was also discovered that there were no footings under the house, including the porches. The piers supporting the house were laid in dirt. That question was what to do now? With no footings, walls 4" thick, no foundation walls, or crawl space, it was agreed that the thing that made sense was to put in footings, a new foundation and crawl space, and a basement using 12" block and then build the first floor deck, first floor framing, and second floor deck per code which would essentially mean rebuilding the house. The second and third floor could then be dropped back on, sistered together, and then materials brought in of finishes Mr. Klein had already discussed with the commission. In the end, Mr. Klein felt that they would have a wonderful house that would last the next 200 years. He posed to the commission the question "How do you preserve the un-preservable?" adding that ultimately they will have what was presented to the commission but that it would be well built and built to code.

Mr. Baker noted that once Mr. Klein had observed the condition of the house, he should have come back before the commission. Instead it seemed that he went ahead and demolished all the porches. Mr. Klein responded that the porches were grossly undersized and had no footings. He added that there was never any discussion about the means and methods that would be used for this project. When Mr. Klein and his group realized the scope of what was going on, they called for a special meeting to be held with the HDC. Mr. Baker responded that Mr. Klein's permit did not mention destruction or demolition and that the permit did not say anything about removing a porch roof. It seemed to Mr. Baker that Mr. Klein had taken upon himself to go beyond that which he had gotten permission to do. Mr. Klein retorted that he had a different perspective. He assumed that the whole time he had been approved to build what he submitted and that it never dawned on him that methods

and means were going to be an issue. Mr. Baker asked if Mr. Klein knew, when he came before the commission on June 4, 2007, that any of these conditions existed? Mr. Klein responded he did not, adding that they just thought they had deteriorating piers and foundation walls and that they did not learn until later in June that they had no footings and that the foundations were bad.

Mr. Gaffney spoke stating that he thought that when the commission last parted with Mr. Klein they were left with the impression that he was going to maintain the integrity of the building from the second floor down. He added that he did not get the impression that the commission had discussed with Mr. Klein that he was going to cut the building off effectively right above the second floor. Mr. Klein responded that that was cut the day after their meeting. He indicated that the idea was to deal with the second and third floors that he and his group felt had a chance of sistering. Mr. Klein added that he was told by Administrator Lillian Lord to proceed with the house movers so that both the town office and himself were of the understanding that they could move through with the stabilization and virtually lifting of the second and third floors.

Mr. Klein then went into a rather pointed discussion in order to clear up some negative comments that were inferred to him by Mrs. Fenwick. Mr. Klein stated that it was not his intent from the beginning to raise this house from the second story and that he had not had the house movers on the property well before he went before the HDC. The fact, according to Mr. Klein, was that he and his group knew that they had problems and priced their alternatives. They felt that to do this job properly they would have to have the building raised, whether it be from underneath or not, and when they saw the quality of the framing the decision was made. It was the house mover who suggested that with all the problems they were faced with on the first floor and all the problems of staging it, it would be cheaper and easier to move it from the next floor up, but that no one ever thought until the last several weeks that there was only one way to do this right, which was to take out the first floor, rebuild the foundations structures, and bring it up.

Mrs. Fenwick reminded Mr. Klein of the time when he served on the Historic District Commission and stated in the minutes of June, 1999 in referring to a house on Morris Street that Mr. Klein had stated "the plans did not reflect any or all of that which had been discussed" and that the commission needs to ask applicants to "go to the time and expense of creating detail." Mrs. Fenwick pointed out that when the commission approved Mr. Klein's permit they did not ask for details and that she made the motion to approve his plans based on the presentation in which there were nine items which were gone over, none of which mentioned the process of raising the house. She added that it seemed to her that from now on the commission had better follow Mr. Klein's past statements from June of 1999.

Attorney Booth asked Mr. Klein if the finished project would look identical to that which he had submitted to the HDC. Mr. Klein responded that it would look identical. Mrs. Fenwick asked how tall the house would be from the ground to the ridge to which Mr. Klein responded that it would be 32' which is how it exists now. Mr. Baker asked if new drawings would be submitted. Ms. Gardner

responded that they would submit new foundation plans and Mr. Klein added that the elevation drawings would not change.

Victor MacSorely spoke stating that he was contacted and asked if he would come and survey the property. He stated that "if the condition that exists at this house doesn't suit this commission then all of Oxford is going to have to be knocked down because none of Oxford is on concrete footings." Mr. MacSorely added that by allowing such changes as Mr. Klein has proposed to occur, little by little historic Oxford is going to change and that a new town, that resembles Oxford, will be in its place because the historic fabric of the older homes will be taken away and left with all new materials. Mr. MacSorely stated that he had a problem with going clear up to the second floor and "wacking off" the entire first floor and starting over simply for economics. Economics is listed nowhere in the historic area guidelines and nothing in the state and federal literature says that the mission of the historic commission is to consider costs. Mr. MacSorely's advice to Mr. Klein was to keep the frame and work with what he had. He further added that since there is now not much left of the front walls since the house is suspended and the floor system is a mess, he would take the floor system out, put in a new floor deck, excavate the foundation, do the slab and excavation work and put in the perimeter foundation and then put in a new floor system and set the house back down. In closing, Mr. MacSorely added that if the HDC sets this precedent, every time someone opens up a house the commission was going to get this same argument regarding economic feasibility. He reminded the commission that this was not their problem and that they were charged to protect the history of Oxford. Mr. Klein's response was that he thought Mr. MacSorely wanted to see him go to the expense of working around the original framing and suggesting that they reincorporate old lumber to reconstruct the first floor. Mr. Klein questioned what would be accomplished by doing that because by doing it the way in which he, Mr. Klein, has suggested they would end up with the same project but it would be done in an efficient manner. Mr. Leszczynski asked those present what should take priority – building something to code or preserving something that is historic? Ms. Gardner responded that she did not think the commission would be setting a precedent if they complied with this situation as each case is separate. She also asked that the commission look into economic and personal hardship. Mrs. Fenwick responded that back in September 1998 when Mr. Klein was on this commission they discussed the issue of expense. Mr. Klein had commented at that time that the historic commission should not consider the cost to do or undo work that has been approved and that that is something that is the risk the owner takes.

A motion was then made by Mrs. Fenwick for legal advise. The motion was seconded and the commission went into a brief executive session.

The meeting was then reconvened. Ms. Litty stated that because of the guidelines the commission needed to see the plans before they could go forward with a decision. Mr. Klein pointed out that the only change would be the foundations. Mr. Baker expressed concerns about the second floor and fear too, that the second floor would end up being taken down piece by piece. Mrs. Gardner asked if the commission wanted to see all the structural items even though that was not really a concern

of the historic commission. Ms. Gardner admitted this was where she was confused and whether or not she had to show the commission any structural items inside the house. Mrs. Fenwick pointed out that Mr. MacSorely had advocated "no sister load" and asked the commission if they were planning on following that advice. Mr. Klein argued that the commission was now expanding their guidelines since they should only be addressing the exterior of a house.

Again, Ms. Litty called for the commission to go into executive session. The meeting was briefly closed.

Upon reopening the meeting, Dr. Leszczynski made a motion for a foundation plan and an affirmation of what the commission has been shown on the plans is what is going to be built and that the commission will meet with Mr. Klein as soon as they get the plans and vote on letting him do it or not.

Mrs. Litty added that as soon as Mr. Klein brings in his additional plans to the town office, the commission would get together again with him.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk