

OXFORD HISTORIC DISTRICT COMMISSION

MINUTES

JUNE 7, 2010

The regular monthly meeting of the Oxford Historic District Commission was called to order by the chairman, George Gaffney, on Monday, June 7, 2010 at 5:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Dorothy Fenwick, Suzanne Litty, Heinrich Schmitz, Jennifer Stanley, and William Dial.

The minutes of the meeting of May 3, 2010 were discussed. Mr. Schmitz made the following correction: Page 2, second paragraph, 12th line down, the sentence beginning "Mr. Schmitz asked..." should be rewritten to read "Mr. Schmitz asked about the style of the solar posts and quoted from the guidelines." The minutes were then tabled until the correction has been made.

The following building permits were then reviewed by the commission:

#10-23 Jane McCarthy, 310 N. Morris Street, replace existing fence on property line and continue fence to street fence. Mrs. McCarthy explained that currently her whole yard is fenced in, but with her next door neighbor having recently put in a swimming pool, which is close to her (Mrs. McCarthy's) driveway, she felt the safest thing to do would be to fence in her whole driveway. Mrs. McCarthy further explained that she has one section that is fenced in now but many of the pickets and posts are rotten. Mr. Gaffney explained to Mrs. McCarthy that her neighbor is required to fence in her pool area. Mrs. McCarthy responded that she understood that but she still wanted to fence the area in along her property line as a safety precaution. Mrs. Fenwick asked what kind of fencing Mrs. McCarthy would be using. Mrs. McCarthy responded that it would be wood pickets. Mr. Schmitz stated that he had looked along the property line and noticed there was a lot of shrubbery in the area in which Mrs. McCarthy was planning on placing her fence. Mrs. McCarthy stated she would be cutting through the shrubbery in order to get the fencing up. Mr. Schmitz then asked how the fencing would be faced. Mrs. McCarthy responded that the "good side" of the fencing would face the neighbor on the one side but on the other side it probably would not because of a large tree that is right on the property line. Mr. Gaffney asked if there were any questions from the audience. For the record, Demetrios Kaouris, attorney for Mrs. McCarthy's next door neighbor, Susan Hovanec, spoke. He proceeded to ask Ms. Hovanec a series of questions to put to the record their objection to the installation of the fence, along with presenting a series of exhibits for the commission to see. The following is the conversation between Attorney Kaouris and Susan Hovanec:

Demetrios Kaouris (DK): Ms. Hovanec, could you give us your full name please?

Susan Hovanec (SH): I'm Susan Craig Hovanec

DK: And what is your address?

SH: 308 North Morris

DK: And how is your property related to this property, the subject of this application?

SH: My property is a very old property, 130 plus years old. It's placed in a very awkward, not even parallel alignment with the law, and as close as 18" from the border of the lot and adjacent to my north and rear neighbor.

DK: Is this an historic home?

SH: This is one of 32 historic homes, 1878. It's called the Noah Foxwell house. It is in Doug Hanks' book which I'm proud of. That north boundary, which is the most fragile, the most difficult to maintain, is in fact the boundary that is 18" from the neighbor's property. I'm not against fences, fencing in a yard or a garden, but a fence right next to an historic property is going to really prevent my maintaining that already damp area 18" from the house.

DK: You indicated there were some maintenance concerns about that area. Would you explain that to the commission?

SH: There are a lot of plantings that were not there when I bought the place and Jane spoke to me at the time and said that she had promised the previous owner...she would not plant anything but there are a lot of plantings that have done considerable damage to my chimney..it's so damp now. Issue of damp planting is there. The fence would acerbate that damage potential to my sills.

DK: Do you have any side house (décor)?

SH: Last week I had all the shutters restored. Want to point out I'm conscience of historic. Took two years but they are up and that required a man putting a ladder up and that was about 6 or 7 inches across the border to access my upstairs window. I'm a gardener and some plantings are actually touching my house, which is exasperating, the damp issue, so I do trim plantings from there that are encroaching and also prune my own plants quite a bit. There is a tree on the border which is big that is another issue. I'm not against fences and I'm going to be fencing in my pool, you have to. There will be two fences, one around the pool and one around the garden. The property is 240' deep.

DK: You don't have an objection for a fence at least starting from a portion of your fence? It's not a portion of your house going back, but not near your house?

SH: I already started a fence, when I first bought it, and I started a fence which tied in with the corner of my house and Jane asked me to stop. So there is only 50' there. She asked me not to continue so I stopped. But a fence tied into the house is different than a fence running along the entire side of the house that is going to block that house.

Heinrich Schmitz: In other words, you are not objecting to the fence from the pool area all the way to the house? What you are discussing is the stretch around the house only?

SH: Yes, adjacent to the contiguous red and 18" to 24" from the house, from the house to the side wall.

DK: Exhibit 5 as photographs there. Do they fit the area generally after you purchased the house?

SH: Yes.

DK: Do you have any aesthetic concerns, generally about the fence?

SH: Yes. If all the houses in Oxford with these narrow lots have fences, we're going to have something looking like a dog kennel.

DK: One last point. Exhibit 6, tax map of the lot, they talk about your pool having a fence. Will that have independent fencing?

SH: Yes, by regulations. I don't want to cause anyone any angst.

Questions then arose within the commission as to where existing fences were located on the McCarthy and Hovanec properties. Mr. Gaffney stated that the commission needed to know exactly where all the fences were and wanted to put the application on hold until the next meeting. Mrs. Fenwick spoke stating that she did not agree to that course of action noting that Mrs. McCarthy had provided all the information the commission needed and that she was replacing an existing fence and adding to it. The applicant was asking for a fence that goes from Morris Street to the end of her property line and, as such, Mrs. Fenwick could not understand what the issue was about. Mrs. Hovanec replied that the application calls for replacing an existing fence on the property line and continuing it and that it was the continuance that was of concern to her. Mrs. Fenwick responded that it was the prerogative of the homeowner to put up a fence. She added that Mrs. Hovanec would have to figure out how to work with that area in which Mrs. McCarthy proposed to put her fence. Mrs. Hovanec argued that she could not take down all the plantings in that area that have already created a dam. Mrs. Fenwick asked why not. Mrs. Hovanec responded that she had an historic property to which Mrs. Fenwick replied that a lot of people in Oxford have historic properties that are on the National Register but the reality is a person who owns property has a right to put up a fence. Attorney Kaouris questioned the fact that because Mrs. McCarthy was planning on placing her fence right on the property, how was the owner going to maintain the fence? Mrs. Fenwick responded that it was not an issue that Mrs. McCarthy had to come up with. The issue of the owner (Mrs. Hovanec) was the issue of the impact on the historic vision; the reality of it is the maintenance. She added that the owner, Mrs. McCarthy, has to understand that if she puts up a fence she is going to have to maintain it. Mrs. McCarthy has agreed to face the "positive side" of the fence toward her neighbor. Mrs. Fenwick added that she did not see what the issue was and she did not think one would see much of the fence because of the many trees that have grown on the property over the years. Mrs. Hovanec stated that the maintenance and damp were her concerns. Mrs. Fenwick asked how a fence would cause dampness. Mrs. Hovanec responded that the fence will cause shadow and shadow creates dampness. Mrs. Fenwick suggested that Mrs. Hovanec take down the plantings and put in grass and if the neighbor's plant were on her property she could take them down. Mrs. McCarthy added to the conversation that her house dated back to 1780 and that she had put plantings in the area of concern so that the roots of the plants would absorb the water there that was susceptible to flooding. A suggestion she had for her neighbor to help with the situation was to remove a buried oil tank that was no longer in use. She thought by doing so it would provide more absorption in the area. Mr. Schmitz stated that he felt insecure about this situation and that he would like a survey just to verify everything. Mrs. McCarthy pointed out that she had supplied a survey with her application. Mrs. Fenwick asked if the fence was going to be painted white. Mrs. McCarthy responded it would be natural like the rest of her fence and that the only section she had painted white was a portion of Oxford fencing. Mr. Schmitz asked if Mrs. McCarthy could make one portion of her fencing removable for maintenance purposes. Mrs. McCarthy responded she understood what Mr. Schmitz was suggesting but did not understand what the reason would be. Mr. Schmitz stated it was

because they had talked about the maintenance of the neighbor's property. Mrs. Fenwick asked how Mrs. McCarthy planned on maintaining her fence as it sounded to her as though she was going to put it up and leave it. Mrs. McCarthy responded that at her age she did not think it would have to be maintained. Mrs. Stanley spoke stating that she agreed with Mrs. Fenwick that the property owner has the right to have a fence. The jurisdiction of the Historic Commission is to look at whether Mrs. McCarthy meets the criteria of the guidelines and the commission should encourage the two property owners to work something out. She added that she encouraged Mrs. McCarthy and Mrs. Hovanec to get together and come to some agreement. Mrs. Stanley then made a motion that the commission accept the proposal for the property owner, Jane McCarthy, to build a fence. The motion was seconded by Mrs. Fenwick and unanimously carried without further discussion.

Permit #10-28, John and Chris Myles-Tochko, 202 South St., replace rotten porch wood flooring and column trim with AZEK tongue and groove flooring and all trim in white around columns and rail uprights. Ms. Myles-Tochko explained to the commission that her house was built in 1999 with all wooden porches and decking. The wood has since rotted and her builder suggested replacing it with composite materials. She stated that she would like to replace all the decking of the porches with grey Azek which will match the house. The porches would be ripped out on both sides and the stairs replaced along with the decking and fascia with the composite material. The trim under the columns would be replaced with white PVC material. Ms. Litty made a motion to accept the application. The motion was seconded by Mr. Schmitz and unanimously carried with all in favor.

Permit #10- 33, George and Martha Taylor, 102 High St., replace old windows with new Marvin fiberglass or fiberglass with some aluminum with wood windows for a total of 12 windows. Mr. and Mrs. Taylor were represented by their property manager, Linda Haschen. Mrs. Haschen stated that the house was a rental house and that the windows were in bad shape. The owners would not be changing the opening of the windows. Mrs. Haschen presented two choices of windows for consideration – one being all fiberglass and the other being exterior clad and wood. Mrs. Stanley made a motion to accept the replacement of the window with Marvin Infinity windows at 102 High Street. The motion was seconded by Mrs. Fenwick and unanimously carried with all in favor.

Permit #10-34, Nancy Dalager, 204 E. Strand, replace existing picket fence in backyard; replace existing front door set; replace existing window in kitchen; replace 2 storm doors on second story front porch. Mrs. Dalager began by explaining that she has an existing picket fence that runs from her house to her garage that is rotten and needs replacing. Mrs. Dalager stated that she would like to replace the fencing with new vinyl 3' fencing. She noted that the property is so narrow that the backyard cannot be seen nor the fence. The new fence would be moved over 18" from its current location. Mr. Schmitz verified that it was not visible from the street. Mrs. Fenwick suggested that the commission make a motion noting the fact the guidelines ask for preferably a wooden, picket fence, but that this fence is 3' and not the traditional 4' but that she did not see a problem with it. Mrs. Fenwick then made a motion to accept the fencing as presented. The motion was seconded by Mr. Schmitz and unanimously carried with all in favor.

The next request was to replace the existing front door set. Mrs. Dalager noted that the replacement would be white and that she wanted to get something that would hold up to the weather. The replacement she was looking at comes as a set and that it would be expensive to get the side panel separately. Mrs. Stanley stated that in the historic district the sidelights and door lights are what make this house interesting. Though she understood Mrs. Dalager was buffered by storms, what she was proposing to do was to replace her entire historic portion of her front entrance with fiberglass. Mrs. Dalager pointed out that the door Mrs. Stanley was referring to was installed in the year 1972. Mr. Schmitz thought the issue was that the whole frame on the right side needed replacing or repairing. Mrs. Dalager responded that she was bounded by the aluminum siding and that to use the existing door trying to find a new side panel to fit in that area it was going to be very difficult. Mrs. Dalager stated she wanted a more traditional looking door and that everything would be painted white. The storm door would be plain and all one piece. Mrs. Fenwick commented that is what they have at the library. Mr. Schmitz made a motion to accept the application regarding the front and storm doors. The motion was seconded by Mrs. Fenwick and unanimously carried. The commission briefly looked at the plans for the two storm doors upstairs. Mrs. Fenwick made a motion to accept the storm doors upstairs. The motion was seconded by Mrs. Stanley and unanimously carried with all in favor. Mrs. Dalager next explained her kitchen window on the west side of her house which she stated was hardly visible from anywhere. She stated it was the only casement window in her house and that it was rotting and that she would like to replace it with a one over one window. Mrs. Stanley made a motion to accept the window change. The motion was seconded by Mrs. Fenwick and unanimously carried with all in favor.

Permit #10-37, Peter Rouse, 208 South St., revision to existing permit regarding accessory building to reframe back roof section; repair walls in back section; install new piers; install new window in front due to rot damage; move side window 2' over; and install new roof shingles. Mr. Rouse was represented by his contractor, Gene Mazzatenta. Mr. Mazzatenta reminded the commission that they had given approval for the reframing of the roof and shingles of this accessory building at a past meeting. He noted that he had done a little bit of wall repair in the back of the building because it was rotten. Mr. Mazzatenta stated that the window on the left side of the building, which is not visible from the street, had been slid over, as requested by the owner. He did not think there would be a problem with that because it could not be seen from the street and so he had moved it over 2'. He also mentioned that he had replaced one small window in the front with the same type of window and that he had added blocking to the piers in order to get the accessory building 8" off the ground. Mr. Mazzatenta noted that he was told to come back before the commission because he had moved the window. Mrs. Stanley made a motion to accept the application. The motion was seconded by Mrs. Fenwick and unanimously carried with all in favor.

Permit #10-38, Thomas Corl and Mary Cotton, 206 N. Morris Street, revision to previously approved permit with proposal to change lower back porch/kitchen roof from standing seam metal to asphalt shingles. Mr. Corl explained to the commission that due to costs he wanted to change the roofing on the lower back porch/kitchen roof to match the black asphalt roofing already on the house. The pitch would not change. Ms. Litty made a motion to accept the

change. The motion was seconded by Mrs. Stanley and unanimously carried without further discussion.

Permit #10-36, Mr. and Mrs. John Kimberly, 200 S. Morris St., renovate existing garage; increase width of existing garage door to 9'; add second floor studio with shed dormers to 18' maximum height; all exterior materials to match main house. Mr. and Mrs. Kimberly were represented by Tim Kearns. Mr. Kearns reminded the commission that he had met with them two years ago concerning this project. The only thing that has changed since that last meeting was a question of whether there would be a gable on the shed dormer or a simple shed dormer. The applicants have chosen a simple shed dormer and, as such, the drawings had been modified to show a simple shed dormer. Mr. Schmitz made a motion to accept the design with the simple shed dormer. The motion was seconded by Mrs. Fenwick and unanimously carried with all in favor.

Permit #10-39, Mr. and Mrs. William Korab, 516 E. Strand, revisions to previously approved permit involving deck on N. elevation master suite; fenestration of north and south elevations, exterior material selections, and railing. Mr. Kearns, the contractor, Bill Wroten, and Mr. and Mrs. Korab were present to discuss the application. Mr. Gaffney began by asking what major changes to the original plans were underway or completed that the applicants had no approvals on. Mrs. Korab responded by stating how disappointed they were about a Stop Work Order that had been placed on their property that had not been communicated to them. She added she had made a summary of the changes that they had from their permit to the current state. She began by noting that there had been no change made to the cupola and that they had been approved for a green standing seam metal roof. Ms. Litty interjected and asked if the cupola was the same size as it looked different. Mrs. Korab responded that it was exactly the same. Mrs. Korab continued stating that they were proposing a combination of shingles and metal with the shingle to remain on the additions and the old octagon sections that are still standing seam metal. Mr. Kearns spoke stating that the remaining portions of the original octagon roof are shingled, the roof on the cupola is metal, the roof on the bays on the east and west side are metal and the additions on the north side, left and right of the main door, are metal, the color of which they were proposing would be a stainless gray color. Mrs. Korab stated that the house exterior they had proposed initially was a light board and batten and the ground floor red brick. She added that they were now requesting to use cedar shakes from the top to 2' above ground and instead of brick they would like to use standup stone. A linen color would be used on the body of the house.

The conversation moved on to structural changes that had been made to the house without approval. Mrs. Korab stated that she would like to understand why there were two Stop Work Orders placed on the house when there was only one major change. She added that when one looks at the house, one wouldn't know whether they had changed the roof or whether they changed the shingles, one would not know at the moment. Mrs. Fenwick explained that when the inspector goes out to make an inspection he has with him a set of plans that have been signed off on by the chairman of the commission. If he finds there are changes from what is on his plans, then he will place a Stop Work Order on the project.

As the commission began to look over the application it became apparent to the group that there had been more changes made to the Korab's house than their list of changes showed. Particular concern was given to the north elevation. Mr. Kearns explained that when the space was seen with the beams in place, it was realized that the character of the interior, the second/two-story space, was unappealing to the Korabs so it was filled in with framing to create a way to get to a clear view from the two story windows. In order to get the floor there, they took sheathing off the outside to get a beam into place and that was when the opportunity for a deck and doors appeared. Mr. Korab spoke asking if the commission would look at the original drawings which showed a dormer. He stated that they found they did not have a floor that lead to the dormer. In building the inside, there is now a floor in the bedroom that leads to it and the only change is that the dormer is not framed in. It is open in the front when one looks at it and there is about four feet of balcony that was not on the original permit that the applicants received approval on. He noted that everything else was basically the same as it was but added that one could say the fenestrations were different and he agreed that they would be. Mrs. Stanley pointed out that the commission has had other applicants come to them asking for permission to make changes to something they have had previously approved before making the changes but in this case everything was done backwards. She further pointed out that a lot of changes had been made and that going over the list of changes was overwhelming. Mrs. Stanley suggested that the commission have some time to assess the changes. She added that the owners should have come before the commission as soon as they knew there were changes that they were seeing in the original drawing that were not going to match or were incorrect or were bad choices. This has now left the commission in a position where they are looking at so many changes, some of which are major in terms of construction. As a member of the committee, Mrs. Stanley stated she needed time to absorb the changes and did not think she could, in this meeting, without spending hours on it. Mr. Schmitz agreed with Mrs. Stanley that he too needed substantially more time to go through the changes, adding that it would have helped if someone had taken the drawings and highlighted those areas in which changes were being made. Mr. Gaffney also spoke stating that he too did not know what was underway, what was not underway, what was completed and what was not completed. He thought that the construction status of each change was the real issue before the commission. There have been changes that have been done, some that are partially done, and some that will be done in the future. That was what the commission needed to get to and that was what the commission needed to approve.

Mr. Korab spoke stating that there were some decisions that the commission should make at this point, particularly on the roof. He explained that they needed to have a roof on the house at this point because of the state of construction. He asked that since the roof line had not changed, could it be determined that they could get rid of the green metal roof and put on a shingle roof and a couple of small areas of standing seam metal? Mrs. Fenwick asked if there had been absolutely no change at all in the roof. Mr. Korab in turn asked "on the roof form?" Mr. Korab again stated that they were asking for approval of the shingle roof with the basically matching color grey metal on the two low pitch areas in the front, the cupola, and the two little brown windows on the end of each of the dormers. Mrs. Fenwick responded that if the commission did approve that it would not eliminate the Stop Work Order. Mr. Schmitz stated

that if the roofs, which were approved, needed shingles or whatever, one could go ahead with that, but if the roofs have changed and are not in the original application, he would be hesitant to approve it.

This again started a discussion regarding all the structural changes that had been made to the house without approval. Mr. Korab again stressed that he was interested in receiving approval for the color changes to the board and batten siding, the shingles, and gray metal roofing. Mrs. Fenwick explained to Mr. Korab that one problem was the two degree change made to the pitch of the roof. Mr. Korab asked if that was part of the role of the historic commission, the two degree pitch in the roof. Mrs. Fenwick responded that it was. Mr. Schmitz again pointed out the overwhelming amount of changes which the commission could not fathom. Even though the commission was talking about a few details at this night's meeting, Mr. Schmitz stated he was struggling with catching up with the consequences on the whole appearance of the house. Mr. Korab explained that one problem was that what they are building has never been built before. It was not a standard set of drawings and that when they started building they saw different things. He added that it was a complex project and a working process in which there will not be a final drawing unless it is an "as built" at the end.

Mr. Gaffney stated that this project has gotten to the point where the commission needs a presentation by the Korab group. He asked that whatever it is that the Korabs want to do that they assemble those things, get them to the historic commission, and as soon as the information is received the commission will take a look at it and set up a date in which they could review it with the Korabs. Mrs. Korab expressed her desire to have the commission go through what they had before them, step by step, at this night's meeting. Mr. Gaffney stated the commission would not do that and that they needed to have everything assembled so that it was understandable by the commission and that as soon as they received that information they would move along quickly by setting up a public meeting. He added that if the applicants wanted to make it easier for the commission, that they supply whatever information they can to the group. The next meeting with the Korabs would be a public meeting but there would be no comments from the public. The meeting will be one in which the commission will go and sort through the application.

This concluded the review of the building permits.

Old and New Business

Mrs. Fenwick discussed with the commission her approved building permit application (#10-27) in which the commission approved removal of her vinyl siding, repairing her existing wooden siding and installing new wood siding on her addition. She announced that the vinyl had been removed but in doing so she found that the wood siding underneath it was in such bad condition that she had started the process of feathering that which is there and will then cover it in Tyvek and install over it rough cedar painted exactly the same color as the rest of the house. Mrs. Fenwick noted that everything else was the same but instead of trying to restore that which was there, she was going to this more expensive route and wanted to give the

commission this information update. There were no objections or questions raised by the commission members.

Mr. Gaffney reminded Mrs. Fenwick that she was to put together a letter to send to the Commissioners asking them to do act on the issue of modern equipment (as it applies to the historic district).

As part of new business, Mrs. Fenwick thought the commission needed to get clear in their minds the historic process and their responsibilities. She questioned if the commission should concern themselves with the fact of plans being approved and changes being made prior to the plans showing the changes being presented. She thought that the front office should tell the commission their role – is it just to approve that which is presented and not worry about how it got there. Mr. Schmitz added that from the architectural side of things, what happend was that they had a design which was sort of coming from a lighthouse concept and that it had been modified. They still had the basic roof, the six segmented roof, and that the problem he had was that he was concerned with the whole concept. He stated that he would like to have seen a highlighted drawing of the concept and how it had changed. If one were to look at the house on the south elevation one could find the concept of the lighthouse, but if one were to go to the north elevation, they would find the lighthouse concept gone. Again he stated that he was concerned about the wholeness of the whole design concept, which is found in the guidelines, and that the commission should look at the whole design or structural concept. Mrs. Stanley added that if the commission did not adhere to the process what was to stop others from making changes?

The meeting was interrupted by Mrs. Korab who entered back into the room after leaving. She expressed her frustration with regards to the Stop Work Order that had been issued that she had not been made aware of. Again she stated that she would like to have her building crew start back to work and that they needed to order the roof and would like to get approval for the shingle and the metal. Mr. Gaffney responded that commission was not going to do that and apologized. He added that the commission was taking the position that they were going to consider all this after they understood everything and had a very clear picture and then the commission would make a decision based on that information.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk