

Approved: December 3, 2015

Durham Historic District Commission
Thursday November 5, 2015
6:30 pm

Members Present: Chair Peter Stanhope, Vice Chair Andrea Bodo, Town Council Representative James Lawson, Planning Board Representative Bill McGowan, Catherine Meeking, Heidi Ely

Members Not Present: Chip Noon

Others Present: Director of Public Works Mike Lynch, Town Planner Michael Behrendt, Attorney Tim Phoenix representing the Orion Project

I. Call to order

Chair Stanhope called the November 5, 2015 meeting of the Durham Historic District to order at 6:30 pm at Bicentennial Park.

II. Bicentennial Park – Main Street and Mill Road - view park with Mike Lynch, Public Works Director

Present at Bicentennial Park: Chair Peter Stanhope, Vice Chair Andrea Bodo, Council Rep Jim Lawson and members Catherine Meeking, Heidi Ely and Town Planner Michael Behrendt

Public Works Director Mike Lynch conducted a presentation and tour of the newly constructed Bicentennial Park.

The new park was received with enthusiasm.

III. Opening remarks from the Chair at Town Hall (7:00 PM)

Chair Stanhope remarked that the property at 10 Newmarket Road has been transferred to the lien holder and that there was an outstanding agreement with the owner regarding completing work done without the benefit of a building permit that was not in compliance and was absent approval by the HDC. He explained that the lien holder is the owner of the property and absent any objection from the members he would ask the Town to communication to the new owner that the property is in violation and that there was an agreement with the previous owner for the work to be completed. Chair Stanhope also noted that the property may be a candidate for a demolition by neglect notice.

James Lawson suggested that prior to 30 days the Town communicates with the lien owner about the outstanding issues.

Chair Stanhope said that by putting the lien holder on notice the owner would have to represent the outstanding violation to any perspective buyer. He said the question is if the lien holder will uphold the agreement to complete the work on the property.

Chair Stanhope remarked that he and Vice Chair Bodo met with the Town Planner, the Town Code Officer and the Town Administrator regarding the placement of signage on student housing buildings in the Historic District. He explained that there have been some large banner type signs affixed to some of the properties in the District. Chair Stanhope said there was not agreement between the Commission and the Code Officer if the signage ordinance should be enforced. He said the Town Administrator will seek advice from the Town attorney as to the definition of a real estate sign (can the sign stay on the property when it is fully occupied). Chair Stanhope said they feel those types of signs are advertising billboards and not "For Rent signs.

Jim Lawson said that issue is not currently addressed in the ordinance rewrite; but the type of real estate sign allowed could be addressed before the rewrite is finalized.

Heidi Ely said it is only fair for the same regulations to apply to buildings in or out of the District.

Chair Stanhope said he agrees and that they need to determine a definition for real estate signs and when they needed to be removed. He agreed there may need to be some additional language regarding the signage ordinance.

IV. Approval of the Agenda

Andrea Bodo MOVED to approve the agenda as written; this was SECONDED by Catherine Meeking and APPROVED unanimously.

V. Public Comments

William Hall said he has had a number of problems with the Code Office. He said the owner of the property hired an electrician to move the electrical services and the Inspector did not pass the inspection. Mr. Hall said the Town requested that the site be cleaned up and the owner was fined for trash bags being on the site.

Chair Stanhope noted that the matter came before the Commission because the property is in the Historic District. He said the members may want to visit the property before the next meeting to see if repairs to the building have been completed satisfactorily or not.

Peter Murphy said he is the owner of 37 Main Street (the old Grange Hall) and he is here to request that the HDC not approve any changes to or sign off on a certificate of occupancy for the Orion buildings on Main Street. Mr. Murphy said that he is attempting to get help and bring attention to the ongoing problems he has had with the Orion project (such as landscaping being destroyed, a window being broken, etc. due to the Orion property construction). He asked the Commission to not approve requests from Orion

until the issues are resolved. Mr. Murphy said the Orion builder did phone him to say they would attempt to fix the window broken in June of last year. He said he has had no response regarding the other issues.

Chair said there is a request by the property owner to apply a brick material to the dumpster container and to add plantings that would screen the existing transformer. He said the matter regarding the containment vessel for the dumpsters will have to go back to the Planning Board; who may consider holding a Public Hearing. Chair Stanhope said that Mr. Murphy may want to make the Planning Board aware of his concerns; especially the issue of odor that comes from the dumpster containment. He noted the odor is beyond the purview of the HDC and that it is the purview of the Code Office and the Planning Board.

Mr. Murphy said the brick veneer and plantings are a good start and that the process is beginning as of today; but they are only a third of the way there. He said his requests are reasonable and he is not asking for anything that is a substantial monetary hardship. Mr. Murphy said he would like some attention to the trash/dumpster issue. He noted that the area was not built for a truck to have access to the dumpster so they use bins with covers (that never get covered) and creates repercussions to his property and his tenants.

Mr. Murphy said as he drives through the downtown and sees the projects completed over the last few years; he sees that the projects have transformed the downtown. Mr. Murphy thanked the Commission and members for their efforts.

- VI. St. George's Episcopal Church, 1 Park Court – Application for new freestanding sign. Reverend Bradley, Rector, St. George's applicant; Reedy Signs, contractor. Map 4, Lots 54-2.

Chair Stanhope asked if any of the members have specific questions for Reverend Bradley relevant to the sign.

Andrea Bodo said she would be interested in seeing the sign.

Reverend Bradley showed a sign similar to the one he is requesting.

Ms. Bodo said that Ron Reedy has done the Historic District signs and that he does beautiful work.

Chair Stanhope asked if the background color will be brown.

Reverend Bradley said the background color will be brown and the shield is the national Episcopal shield.

Andrea Bodo MOVED to approve the fabrication and installation of a front center placement sign (30" x 38" and 30" from the ground) made out of 1.5" thick high density urethane, lettering painted or possible gold leaf with granite posts (5" x 5"); this was SECONDED by Jim Lawson and APPROVED unanimously.(listen to tape for exact wording).

- VII. Orion Development, 25-35 Main Street – Modifications to approved plans and review of status of project including: a) shutters and dormers at 25 Main Street; b) front steps, stone wall and building foundation at 35 Main Street; c) shutters, signage, retaining wall and lights at Building A; d) dormers at Building B; e) colors of Buildings C and D; f) dumpster and transformer locations and construction of a wall next to the transformer; g) generator; h) signage; i) building vents; and j) various other items. Bill Fideli and Philip Wills, Orion Student Housing, developers. Lisa DeStefano, DeStefano Architects, architect. Tim Phoenix, Attorney. Map 5, Lot 1-6.

Presented by Adam Wagner:

- a) Shutters and dormers at 25 Main Street
- a. Shutters to be added to 9 windows on the front façade made of wood and hung with hardware (this was approved on August 5 2015 by the HDC).

Chair Stanhope asked if they will have the ability to have the shutters flush against the building.

Mr. Wagner said there will be no problem with having the shutters hung flush against the building.

- b. Dormers (replacement of window sashes). The- contractor would like to perform this work in the spring.

Mr. Wagner said if the Commission has a date in mind; they would be happy to work to that date.

Jim Lawson suggested targeting June 1' 2016.

Attorney Phoenix said that Orion has a bond of \$300,000 with the town; some of which will not be returned until all the items are completed. He said he has been advised that some of the items would be better to be done in the spring.

Andrea Bodo said a target date is much better for all parties involved.

Attorney Phoenix said that is fair and if an issue comes up he will come back to the Board to discuss and explain the situation.

Andrea Bodo MOVED that shutters be added to 25 Main Street including 9 windows on the front façade in the color of eggplant which was approved on September 3, 2015 to be completed by January 1, 2016; this was SECONDED by Catherine Meeking and APPROVED unanimously.

Andrea Bodo MOVED that the dormers be added to 25 Main Street windows and the two dormers replaced with six over six as originally approved; to be installed by June 1, 2016; this was SECONDED by Catherine Meeking and APPROVED unanimously.

b) Front steps, stonewall and building foundation at 35 Main Street

Mr. Wagner noted that the original HDC approval called for a stone wall in the front of the building and a granite step. He indicated that there is a sheet in the package which includes a sketch for the front step; the stone retaining wall has been extended around the grange building; the stone wall will be a mortared stone wall; and there will be a hand rail, made of black steel (which is required by the building code).

Ms. Bodo asked if the stone wall will look authentic or contemporary.

Mr. Wagner said they can discuss that with the stone builders.

Mr. Behrendt asked if the wall will be one stone thickness width of field cobblestones.

Mr. Wagner said what was in the area previously was flagstone and that is what will be used. He said the stairs will be poured concrete clad in granite. Mr. Wagner said the concrete will be poured for the wall with flagstones placed on it.

Chair Stanhope asked if they will be real stones and Mr. Wagner replied that they are real stones.

Ms. Bodo asked if the top will be completely flat.

Mr. Wagner said the top will be stone so they will be irregular.

Mr. Behrendt asked if a granite cap would be better; cleaner, finished and better in an urban setting.

Ms. Bodo said the wall should be irregular and natural looking.

Mr. Lawson said he would prefer it to be rough, with mortared stone on the front and top.

Ms. Bodo said the wall should not look like it was machine made. She asked what the treads and risers are made of.

Mr. Wagner said they will be concrete clad in granite. He said that the work should not be done when the building is occupied; so requested that the work be done when the current tenants leave the building in May.

Andrea Bodo MOVED to approve the installation at 35 Main Street of front steps, a stoop, stair treads and risers clad in granite and a mortared stone wall to be constructed as a retaining wall extending around the grange side of the property with a black steel hand rail to comply with code (per plan) with the Commission's desire for the work to be done by June 1; but no later than July 1, 2016; this was SECONDED by Jim Lawson and APPROVED unanimously.

Chair Stanhope noted that if the Planning Board chooses to require changes to the plans the applicant will need to return to the HDC for review.

Jim Lawson suggested adding additional plantings.

Mr. Behrendt noted that one of the shutters at 35 Main Street does not lay flat against the building due to an alarm fixture being in that location.

Mr. Wagner assured the members that they would move the alarm fixture and reinstall the shutter so that it will lay flat against the building.

Catherine Meeking MOVED to require the applicant to move the fire alarm so the shutter can be flush against the building and to have that work completed by January 1, 2016; this was SECONDED by Andrea Bodo and APPROVED by a vote of 4 in favor and 1 against (Jim Lawson).

c) Shutters, signage, retaining wall and lights at building A

Mr. Wagner reported that the light fixtures will be relocated and the shutters on Building A will be installed the end of next week. He said that they are hopeful that they will be able to install the shutters at 25 Main Street at the same time.

Building A: Mr. Wagner reported that the sconce and signage will be removed and a complete signage package will be presented at a future date. Mr. Wagner noted that the light will be recessed.

Andrea Bodo MOVED that for Building A two shutters be added to the front elevation as previously approved by the HDC; the wall sconce light fixture be removed and the egress lighting which is required by code be concealed in the canopy; all work to be completed by January 1, 2016; this was SECONDED by Catherine Meeking and APPROVED unanimously.

Retaining walls (front retaining wall and second retaining wall against the foundation of 25 Main Street). Mr. Wagner noted that there will be a granite block retaining wall (salvaged granite from construction) parallel to Main Street. He said when the exposed rubble foundation of 21 Main Street was discovered to be deteriorated and therefore is subject to a greater potential for erosion. Mr. Wagner said they are proposing a landscape type pre-engineered retaining wall against the façade to protect the foundation from further erosion.

Chair Stanhope noted that where the soil level was prior to the excavation was between 18 and 24” below the top of the wall and now it is approximately 4.5 feet between the top of the wall and the top of the grade. He said there is a concern regarding liability from dropping from the top of the wall (4 + feet) and asked what they are proposing to mitigate that.

Mr. Wagner said that from the corner of 21 Main Street to the start of the granite foundation wall they are proposing to install an Ameristar fence.

The members discussed the construction and style of the pre-engineered retaining wall. It was noted by Mr. Wagner that the interlocking blocks of the pre-engineered retaining wall is what provides the structural integrity that is needed. Chair Stanhope suggested adding ivy to the wall.

Mr. Wagner said that the contractor is hoping to perform the work next week.

Catherine Meeking MOVED to approve the construction of a granite block retaining wall to run parallel with Main Street as detailed; the color of the wall is to match the granite and to approve the construction of a pre-engineered retaining wall to run adjacent to 21 Main Street rubble foundation as per plans to include a fence as shown in the plans; all work to be completed by January 1, 2016; this was SECONDED by Andrea Bodo and APPROVED by a vote of 4 in favor and 1 against (Heidi Ely).

Lights: Mr. Wagner noted that the light fixtures selected and approved for installation along the side walk between Building A and 21 Main Street have been discontinued and cannot be purchased. He noted that the contract submitted an alternate light fixture which Orion did not approve. Mr. Wagner said they have found a light fixture that they feel is the closest to the original approved light fixture that they can purchase. He noted that these light fixtures have light shield to prevent light pollution to the adjacent property.

Andrea Bodo MOVED to approve the installation of lighting fixtures per plans between Building A and 21 Main Street; work to be completed by March 1, 2015; this was SECONDED by Catherine Meeking and APPROVED unanimously.

d) Dormers at Building B

Mr. Wagner noted that they will replace the triangular portion of the dormers on the backside of Building B with clapboard siding to match the siding on the Main Street side of the building as discussed and agreed to on September 3, 2015. He said that the contractor needs a lift and would like to perform the work in the spring after the ground is dry and solid.

Andrea Bodo MOVED to approve the work per approval on September 3, 2015 to replace the triangular sections just beyond the dormer windows with clapboard siding to be painted yellow to match the clapboard siding on the Main Street side of the building; the work is to be performed by June 1 2016; this was SECONDED by Catherine Meeking and APPROVED unanimously.

e) Colors of Buildings C and D

Mr. Wagner said they propose repainting Building C with chestnut brown and the trim with khaki brown per HDC approval.

Chair Stanhope strongly encouraged Orion to perform the work as soon as possible. He noted that the weather forecast for next week is for the temperatures to be in the 50s.

Jim Lawson said he realizes the color of the building has been a thorn for the community but said it would be worse to have the painting done as a less than optimal job. He noted that the specifications for painting the siding are very specific and that the painting needs to be done right.

Mr. Wagner said that the hardy board can be ordered plain or primed and that the product is intended to be painted and can be painted over.

Andrea Bodo MOVED to approve the repainting of Building C with chestnut brown for the siding and with khaki brown for the trim per HDC approval and to repaint Building D with Boothbay blue on the siding and khaki brown on the trim per HDC approval; the work is to be completed by June 1 2016; this was SECONDED by Jim Lawson and APPROVED unanimously.

f) Dumpster and transformer locations and construction of a wall next to the transformer

Mr. Wagner explained that the utility company said a second transformer was needed and dictated where it would be located (where the dumpster pad was cited for); so the decision was made to move the transformer to a different location. He said they are aware there might be an issue with the new location of the dumpster; the trash company confirmed the new location would be fine but now they say the driver cannot access the dumpster. Mr. Wagner said when the dumpster was relocated; one of the three sides of the dumpster had to be changed from fence material to a noncombustible closure due to the proximity of the transformer. He said that 14 months ago they filled out an application requesting administrative approval and submitted the designs showing the redesign of the area; now it is understood that the approval should have come before the HDC. Mr. Wagner said the abutter would like shielding; he said the dumpster enclosure needs to have all three sides made of CMU block wall (no fencing). He said they are proposing to clad the enclosure in brick with a stone cap on top and Building B will have a brick foundation and in the area way on the front side there is a retaining wall clad in a thin brick with grout that appears like mortar. Mr. Wagner displayed the brick being proposed.

Mr. Behrendt noted that some of these proposed changes will need to go before the Planning Board and may require a public hearing.

Chair Stanhope said it may be more efficient for Orion to go before the Planning Board and then return to the HDC. He noted that he is concerned about the large brick structure fitting in with the Historic neighborhood and that the maximum height of 6 feet will not screen the structure. He suggested a hedge of eight to ten feet. Chair Stanhope said he is not satisfied that the transformers are properly screened or that the dumpster structure is consistent with the district. He suggested solving the Planning Board issues first and then returning to the HDC.

Mr. Lawson asked if there is a noncombustible material that looks like wood.

Mr. Behrendt noted that Hardie Board is noncombustible.

Mr. Wagner agreed that they could clapboard with Hardie Board as opposed to using brick.

The members discussed the odor issue and the possibility of a roof for the structure.

Mr. Wagner said that the odor is a maintenance issue. He said it needs to be emptied more frequently.

Chair Stanhope said he is concerned that it is having a negative effect on adjoining properties' value and that Orion has not met the criteria of the ordinance.

The members discussed a color for the clapboarding and determined that a muted color similar to the color of Building B would be appropriate.

Chair Stanhope asked if they would like to call for a vote as proposed or postpone the issue until after meeting with the Planning Board.

Attorney Phoenix said they would like to continue the item until the February meeting of the Historic District Commission.

g) Generator

Rear Generator:

Mr. Wagner said the location for the rear generator is in the well of the retaining wall behind Building B and cannot be seen from a public way.

Attorney Phoenix said that legally since the generator cannot be seen from the street it is not your purview but Orion has no objection to the Commission approving it.

Chair Stanhope asked if it is visible from the parking lot of the plaza.

Attorney Phoenix said it is not visible from the plaza parking lot.

Jim Lawson MOVED to accept the change in location of the generator to the rear of the lot in the well of the retaining wall behind Building B as presented in plans on November 5, 2015; this was SECONDED by Catherine Meeking and APPROVED unanimously.

h) Signage

Mr. Wagner noted that signage was only approved for 25 and 35 Main Street. He said all other signage will be removed and if they chose to place signage at a later date they will come back before the Commission.

i) Building vents

Mr. Wagner said that the vents will be painted black to camouflage them with the asphalt shingles. He explained that they investigated shortening them and were informed that they cannot be shortened per the code office.

Andrea Bodo said she spoke with the code officer about these vents and he said that the snow load is calculated for the roof and the vents need to be 12 inches above that. She requested that they be at the minimum height possible.

Mr. Wagner said he can get the calculations for the snow load and provide them to Michael Behrendt.

The members discussed that the height of the vents seem to be untypically tall. Mr. Wagner said he will revisit the calculations for snow load and speak with the Mechanical Engineer about them. They discussed the best color to paint the vents.

Andrea Bodo MOVED to have the vents on the building be the minimum height allowed and to paint the vents black to match the roof and the chimney vents be painted gray; this was SECONDED by Catherine Meeking and APPROVED unanimously.

j) Various other items

Building D front stoop (cannot enter the front door legally)

Chair Stanhope asked if the front can be redesigned so the front door can be used legally.

Mr. Wagner explained that they knew the front would not be legally accessible. He said the rear and side entrances are accessible. Mr. Wagner noted that the front steps tie into a sloped sidewalk so the riser height from one side to the other side cannot be constant and because of that the front is not legally accessible. He said they are proposing that if the front is not an entrance then the stairs do not need to be compliant. Mr. Wagner said that signage will need to be posted that it is not an entrance and it will be sealed shut.

Andrea Bodo asked if the columns could be removed and construct the stoop with a step to the side so that the risers would then be able to be level.

Mr. Wagner said that may be possible.

Chair Stanhope said they would be open to reasonable solutions so the front entrance can legally be used.

VIII. Historic District Ordinance – Amendments – Discussion of numerous proposed amendments to Article XVII – Durham Historic District Overlay District

This item was deferred to a later meeting.

- IX. Certificate of Appreciation – Discussion of proposed certificate of appreciation for owners of historic properties.

This item was deferred to a later meeting.

- X. Energy Requirements – Discussion of applicability of energy efficiency requirements to historic buildings.

This item was deferred to a later meeting.

- XI. Other Business

There was no Other Business discussed at this meeting.

- XII. Approval of Minutes

This item was deferred to a later meeting.

- XIII. Adjournment

Andrea Bodo MOVED to adjourn the November 5, 2015 meeting of the Durham Historic District Commission at 9:35 pm; this was SECONDED by Catherine Meeking and APPROVED unanimously.

Respectfully submitted by,

Susan Lucius, Secretary to the Historic District Commission