



Town of Arlington, Massachusetts
730 Massachusetts Ave., Arlington, MA 02476
Phone: 781-316-3000

webmaster@town.arlington.ma.us

Historic Districts Commission Minutes 01/27/2005

Minutes

AHDC Commissioners Present: S. Makowka, J. Worden, B. Cohen, Y. Logan, A. Alberg, M. Penzenik

AHDC Commissioners Not Present: L. Kuhn, M. Logan, M. Potter, M. Hope Berkowitz

Not Present:

:

Guests Present: Alex Frisch, Augusta Sparks, Jeff Salocks, Sharron Stafford, James McGough, Ann McCoubrey, Charles Diehl, Jessica & Owen Callaghan, Ann LeRoyer, Diana Burcell, Atty. Robert Scarano, James Mackey, Keith Lombardi, Ibrahim Galal & carpenter.

1. Meeting called to order at 8:23 pm by Chairman S. Makowka. B. Cohen appointed alternate to alternate for Mt. Gilboa/Crescent Hill District. S. Makowka appointed alternate for Mt. Gilboa/Crescent Hill & Pleasant Street Districts. **Due to the late starting time, communications and other administrative matters were deferred until after the formal hearings.**

2. Communications

- a. 187 Lowell Street (Mackey) – Letter from Atty. Scarano
- b. 199 Pleasant Street (McCoubrey) – Additional documentation
- c. 4 Westmoreland Ave. (Callaghan) - Additional documentation
- d. 40-42 Pleasant Street (Barbosa) - Application received
- e. 239 Pleasant Street (Galals) – Inquiry for informal hearing

3. New Business

- a. **Formal Hearing re: 22 Montague (Sparks)** re: replacement of front and rear doors with wood doors. Ms. Sparks explained that current (not original) doors are not functioning well and she wishes to replace with solid wood doors (applicant provided Simpson catalog showing doors proposed: four panel doors with 2 panes at top for front and 4 panes at top for rear). She plans to paint or stain. J. Worden questioned B. Cohen about the appropriateness of the proposed doors. She responded that on a house of this age (1883), a either solid door or half-lite would be most typical, but the proposed 2 window option would not be inappropriate and that both doors should match. Upon questioning, Ms. Sparks responded that current side lites (which although reglazed with modern material, appear to be original design) were to remain. B. Cohen moved that the Mt. Gilboa/Crescent Hill Historic District having fully reviewed the application before it, finds that the project under consideration, if constructed according to the plans submitted therewith for replacement of 2 exterior doors with Simpson Model 7132 IG, will be in harmony and not incongruous with the historical and architectural values of the district. Seconded by Y Logan, voted unanimously. Monitor for project will be B.Cohen
- b. **Formal Hearing re: 199 Pleasant Street (McCoubrey)** re: replacement of garage doors. Ms. McCoubrey's friend, Chales Diehl, presented pictures of doors which are in a deteriorated condition. S. Makowka stated that, based on his prior communication with the applicant, he had suggested that they explore options for rollup doors that mimic the existing carriage house style doors more closely. Mr. Diehl said that they priced Clopay and Wayne Dalton carriage house style doors (Model 7134) per S. Makowka's request but felt, from a financial standpoint, those doors were too expensive. Instead, they prefer the Wayne Dalton Model 110 wood door as shown in their application. S. Makowka stated that he felt an option like the Wayne Dalton Model 7134 had the rollup functionality desired and was more historically appropriate. He explained that window and panel design of the carriage house style doors better represented the existing conditions. The model 110, was a much more modern design. It is important that any replacement door retain the key design elements of the existing door. Applicant stated that there are a wide variety of doors on other nearby houses including styles similar to the one they had proposed. Various commissioners explained that the existing doors are original to the house and the Commission is trying to keep this important visual element while being open to a reasonable alternative. The Wayne Dalton 7104, for example is close to style and has the roll up functionality sought by the applicant. Applicant questioned if model 110 is so different that it would destroy historic appropriateness of district. Applicant felt that it wouldn't and the cost was higher. B. Cohen put it in another perspective: the Commission understands that there are short-term financial concerns, however the Commission's perspective is that we need to look at this long term; what we want to do is to pass onto the next generation the look and feel that we enjoy today. In the short term, appropriate changes may be slightly more expensive, but in long term scheme of things, it's extremely important to protect the architectural features of the District. J. Worden suggested that the applicant take advantage of a 2 ½% Preservation Fund loan to help with this project and provided information materials. The next Fund meeting is on 2/17, but would need to get application in by 2/6.

S. Makowka asked, based on the conversation, the applicant wished to have the Commission vote on originally proposed door or to make a substitution. The applicant asked to amend the application to specify the Wayne Dalton 7104 garage door. A. Alberg moved that the Pleasant Street Historic District Commission,

having fully reviewed the application (as amended) before it, finds that the plans submitted therewith for replacement of garage doors with Wayne Dalton Model 7104 door, will be in harmony and not incongruous with the historical and architectural values of the district. Seconded by B. Cohen, voted unanimously. A. Alberg appointed monitor.

c. Formal Hearing re: 4 Westmoreland (Callaghan) for renovations and addition to house. J. Callaghan gave presentation along with architect, Diana Burcell. They presented informally to the Commission last month, but to recap: they want to add a small amount of space to make inside more functional while looking to restore the main part of the house to what is more historically appropriate. They are proposing to demolish more modern and inappropriate back addition and build new addition which would be pushed out another 4 feet. The initial proposal had addition on same plane as the main structure, but took the Commissions feedback that there was not sufficient differentiation between original house and addition. That has been addressed by stepping back the second story façade and roof. They are also looking to restore many elements of the house (which have been lost through time) based on an historic photograph provided by the Commission. The window pattern is a bit different but consistent with the original and a marked improvement from the existing sliding glass doors. They are also proposing to replace square posts with simple turned posts w/solid brackets.

In response to questions, applicant stated that the use of smaller 2nd story windows on addition was driven by the change in the porch roofline, and that the windows can either be casement or awning windows. B. Cohen said window style, with three contiguous windows, was not what a mid-Victorian farmhouse would have.

Instead normally 2 windows spaced evenly on the wall would be more appropriate. S. Makowka explained that original plan with a continuous roof with a hip ending on one end and a gable on the other felt wrong; with this plan the applicant did differentiate the addition and created a more reasonable roofline. M. Penzenik stated that this addition doesn't look like it was always part of this house. S. Makowka stated his opinion that farmhouses such as this typically had later additions of the type implied by this proposal, although he was concerned about the "modern" feel of the 2nd floor window placements. The Commission suggested maybe a pair of side by side windows or two separated windows, but not the 3 continuous windows as shown in the plan would be appropriate.

In response to a question, the applicant stated that the trellis in the plans is drawn on the diagonal, but it will be actually installed on a horizontal/vertical basis. Also, parts of the house currently have wood gutters currently but others parts have none leading to water problems. Applicant provided sample typical k style profile aluminum gutters that they would like to use. S. Makowka stated that the K-style was demonstratively different from true wood gutter profile. B. Cohen said the K style presented does not meet Commission design criteria, but that one option might be to find a company that makes aluminum gutters with a wood gutter profile. S. Makowka stated that, although the plans laid out many of the specific details, exact specifications for doors, windows, and other design elements would need to be provided before final approval. The applicant discussed details of clapboards and shingles and asked if the monitor to approve the final list of specifications, so application can get moving along and not delayed another month.

J. Worden moved that the Mt. Gilboa/Crescent Hill Historic District Commission, having fully reviewed the application before it, finds that the project under consideration, if constructed according to the plans submitted therewith with the following changes: removal of the middle window (of three) on 2nd floor west elevation, trellis work be vertical/horizontal, and windows, gutters, porch rail and other final design elements be specifically approved by monitor prior to installation, will be in harmony and not incongruous with the historical and architectural values of the district. Seconded by B. Cohen. Voted unanimously. S. Makowka appointed monitor.

d. 9:42pm Informal Hearing re: 187 Lowell Street (J.K. Construction/Jim Mackey/Keith Lombardi). S. Makowka gave background – applicant before Commission on previous occasions proposing addition of 2 houses on lot, the Commission having fully reviewed the application before it, denied the application for a Certificate of Appropriateness to build the two new houses on the grounds of the W.C. Taylor House based on its findings that the project under consideration if constructed according to plans (and drawings) submitted would violate the general harmony and historic architectural values of the District. The expansive lawns and open space around the Taylor house are important historical aspects of the site itself, of Lowell Street, and of the entire Mt. Gilboa/Crescent Hill district. The insertion of two additional houses of substantially the same size, on "pedestals" would alter forever the historic aspect of the site and the original house as they now exist. The applicant subsequently sued the Commission and litigation is in process although it has been stayed for a number of months to allow the applicant to come before Commission with alternatives. The intent of tonight's informal hearing is to hear about these alternatives and to explain how any new proposal is appropriate for this historic district. The applicant did provide a set of plans to the Commission in the week prior to the hearing. These plans were substantively identical to those submitted to the Town's Board of Survey (cul-de-sac, 4 additional houses, move of existing structure). S. Makowka stated that, on their face, these plans appear even more incompatible with the district than the project rejected last year.

Atty. Scarano appeared for the applicant. He stated that the applicant, JK Construction came to him after the denial. He told his counsel that he indicated before us on many occasions that he was trying to come to some resolution on what manner this property should look like in district. The average lot size is between 6 and 7,000 square feet was what applicant told attorney. Is this true? S. Makowka answered that there was quite a variation in district. Of all the districts in town, this district probably has widest range of buildings and settings.

Atty. Scarano agreed district seems quite diverse and was established in 1991. He knows these "as of right plans", submitted tonight, are subject to approval of Commission. However, this is what can be built from a

legal standpoint, not under 40C rules and regulations. He reiterated that the new plans presented to Board of Survey are what can be situated on lot "as of right". The applicant has proposed to move the house and construct similar structures built in conformity with rules and regulations of Commission. Previously, siting 3 properties on lot was rejected by the Commission. Atty. Scarano insisted that only the actual site was focused on by Commission, but that the Commissioners need to look at site, structure and surrounding area -- not one in isolation but at all three together. He didn't feel there was any discussion on surrounding area, style, anything else in area. He insisted Commission must look at entire picture in order to focus on what is best for the site. His client, Mr. Mackey not locked into creating 3 or 5 lots. He's looking to come up with scenario and proposal with what best fits the site. He said his client found it pretty frustrating to get recommendations from Commissioners and to have them dismissed or put aside after he spent significant sums to come up with those scenarios. He said it seems the Commission is struggling because they have an idea of what they want to see. But, as time stretches out, applicant is producing what is asked for, if Commission is still struggling, they should submit suggestions or recommendations to the applicant. According to Atty. Scarano, the Legislature indicated in the law that suggestions are highly recommended. The current proposal was designed to show what maximum legal right in his mind is for the applicant. Being sensitive to local bylaw and 40C they would like to get back on with application to come with a resolution as to what density should be on that site. Proposal of 3 buildings is fair and reasonable in his opinion, 5 is as of right. He said that before the creation of a District in 1991 this would have gone through. He said that in his opinion, obviously the Commission was looking at the structure, considering some of the requirements of Section 7 Atty. Scarano said he has failed to find historical significance of the site after searching.

J. Worden said one of the reasons the District was established was to stop "as of right" development and the inappropriate construction of many houses on a lot. The minimum requirements under the zoning are given an additional level of protection with the establishment of a Historic District. He said the Commission is not here to debate density, what could have occurred, or the significance of this house that has stood on this land and remained as it has for the past 130 years. The Town has decided with 40c that this is important, and the extent that might be changed is approached with extreme care and deliberation. It was up to the applicant to demonstrate that his proposed change was compatible not only with what is on the lot, but also with other parts of the street and the District. The kinds of changes that have been allowed in the past include an enlargement of existing house, permit for new house on footprint of barn that was there a long time ago. In other cases, when people have sought to build in front or side yard, the Commission has been unable to grant a favorable decision appropriate for those sites. What applicant really needs to demonstrate is that the proposal maintains the architectural and landscape integrity of the property.

Atty. Scarano said he understands from their previous denial, that the bylaw is designed to protect structures. Protecting the structure is their number one key to their proposal. He said the other buildings need to be in harmony with the rest of the district. Today he's here with these plans to show you the ability to put 5 buildings in harmony with district. This is something consistent with the district in his view. Consistency with district he knows is key. Atty. Scarano said he doesn't know how far apart the two parties are with proposal for 3 buildings. Was density an issue? He didn't seem to get a sense from decision.

S. Makowka commented that the charge of the Commission went beyond the structure itself and encompassed the setting in which the structure was located. The goal was not to create uniformity. The structures in the District and their settings represent a place in time, and after extensive study of the proposed district, this particular structure was noted for how it was situated on a lot. This emphasis is an indication that the lot itself was an important element why house included in district. S. Makowka said that the Commission has given significant suggestions as to the kinds of things that might be appropriate on this lot. For example, representatives of the prior owners came to us almost 2 years ago and we suggested things then to them such as appropriate additions to the existing house and possibly new construction designed and situated to mimic ancillary structures that would have been appropriate for a house of this vintage. These options would not dominate or compete with main house. The Commission gave the same advice to client at previous meetings. In the end, the applicants preferred alternative of moving the two proposed houses back from street line didn't make that proposal meet the Commission's criteria for approval.

Atty. Scarano reiterated you need the three legs to look at during analysis. How it relates to district. Problem with previous hearing -- you didn't tell him that 3 structures were too many. Told him not in harmony with district. Should have recommended how many structures. S. Makowka commented that the appropriateness of 3 structures depends on structures, size, orientation, site. The Commission needs to see a proposal in overall context.

Atty. Scarano stated applicant brought this to Commission, gave plenty of information, don't know whether his patience wore thin, but this shouldn't have come litigation in his opinion. If patience was the thing, summary decision that was easier to say no than to figure out better scale, etc. maybe would have taken a different turn according to Atty. Scarano.

B. Cohen read from the final report of Mt. Gilboa/Crescent Hill District the description of property "#187 Lowell, W.C. Taylor House, 1884. Considered to be perhaps the most beautiful and best example of a Queen Anne home in the neighborhood, this house is located on a grand, well terraced lot, with mature landscaping and "old fashioned" trees and shrubs. Architectural features include cross gables, asymmetrical wraparound porches with beautifully sawed and shaped balusters, scrolled brackets including angled lookouts, turned columns, and well proportioned frieze board. Mr. Taylor was a successful marble dealer. The home has been

in the continuous ownership of the O'Leary family for almost 100 years and their loving care and respect for the structure and its rich architectural features is very evident." Atty. Scarano argues that the issue isn't whether the house is being preserved; it is scheduled to be preserved. The man's fair and reasonable economic expectation is the word of the day. Largeness of lot is not in harmony of district. This is one of the largest lots in district. Commission stated that there are many other large parcels, including One Gilboa Road. In any event, this lot was identified as unique and protected by the formation of the District. S. Makowka reiterated that the lot itself is one of the unique innate elements of this property. Atty. Scarano, argued that if looking at bylaw, historical significance to lot, nothing historical other than its largeness, its size. Doesn't fit with terms of bylaw. Clearly setting is very important.

Atty. Scarano continued: fairness comes in and is part of any analysis of what's done. Folks were a long way along road when process stopped. He suggested that the litigation be stayed, the previous application be reviewed by the Commission, and the Commission begin a new review picking up where they left off. The applicant holds no grudge against the Commission. The applicant now understands decisions by the Commission are akin to a special permit in district. Atty. Scarano thinks this is salvageable and will consider review with Town Counsel.

M. Penzenik asked what client's expectations were in coming before Commission with the current (5 house) plan. Atty. Scarano said to show us what is a matter of right under current zoning. With that information in front of you, and avoiding litigation, it should be possible to salvage what has been proposed to date.

S. Makowka stated that the Commission voted a year ago on the application -- at the specific request of the applicant. That application was denied. At that time, the Commission suggested that if the applicant wanted to move forward with alternative proposals, it would be appropriate to present conceptual ideas of ways to move forward that might meet the Commission's criteria. The Commission made it clear that the Applicant could come back with a new proposal. The Commission is open to hearing something new, but it is not going to move forward on the old (denied) proposal because you say it "is by right".

Atty. Scarano stated that 95% of the time in court the Judge remands litigated cases back into the Commission for further action; he is trying to shortcut that. His suggestion is to short-circuit that step. In most cases boards & applicants get together, make new decision and this proceeds forward.

J. Worden suggested that as a sign of good faith, the applicant withdraw his suit altogether. He also stated that regardless of the Applicant's analysis of the merits, the suit was not brought in statutory time so there are no legal options available to get back in front of board. However, the applicant is free to propose a new project any time he wants.

Atty. Scarano said he wouldn't want us to prejudice applicant because of legal issues. S. Makowka indicated he was open to hearing new ways to move the ball forward. M. Penzenik agrees with point that reason for denial may be vague, and a feeling that no guidance was given to applicant. The other Commissioners disagreed with that statement. Multiple Commissioners stated that suggestions have been provided in terms of possible size of houses, location, scaling it down, height, and siting. These issues were discussed and the Commissioners offered to continue discussion, but the applicant said he wanted a vote taken that night. The Commission voted and denied the application as proposed.

David Levy, 7 Westmoreland Ave., commented on a point of clarification whether M. Penzenik's firm did some work on project with applicant. M. Penzenik commented that someone that worked at the firm did on their own, not as part of the firm, do some work for the applicant. In fact, she abstained herself from voting and checked with Town Counsel and the State Board of Ethics to be sure she was not in a conflict of interest situation.

Jeff Salock, 203 Lowell Street said that he did hear the Commission offer a lot of suggestions to the applicant prior to the final negative vote. They also talked about a big question that abutters and community members brought: "is any additional building on this sight appropriate to begin with". What was proposed was offensive to the neighborhood. The residents of the area went around and talked to neighbors. As a group, they felt that what was presented was not appropriate and it ended there. The neighbors thought at tonight's informal hearing they'd hear a new and better proposal.

Atty. Scarano commented that this was an informal hearing and what was being presented was his client's "as of right" zoning plan. The Issue here is that the process is salvageable; no need litigate this matter. Mr. Mackey didn't understand before how the Commission works and there was a huge level of frustration because he was bringing materials and feeling that compliance on his part would lead to a final approval. Atty. Scarano's request to the Commission and his client was to put this back on track. Atty. Scarano thanked the Commission for their time, and asked them to please give his client's proposal some consideration.

Alex Frisch, 11 Hillcrest Ave., said he has sat on historic district commissions in other towns and they have always taken into account the relationship of the proposal to the setting. The setting is equally as important as the historical and architectural characteristics of the property. He was confused why applicant doesn't want to submit a new application.

S. Makowka repeated that the old plan presented a year ago was voted on and denied previously. That would not be the place to start. As an alternative, he suggested that the next step for the applicant would be to informally present a number of options more consistent with the Commission's charge. That is what we thought we were going to hear tonight. Tonight's meeting does not seem to be an attempt to move the process forward. The Commission needs to hear some options that are informed by the great amount of feedback the commission has given to the applicant application at previous hearings. For example, should look at mimicking ancillary/ secondary structures, and need to preserving house in setting as much as possible. B. Cohen cautioned that the applicant really needs to look at the district for what it really is and that there are quite a few large lots in that district. 10:34pm Atty. Scarano left

e. Informal Hearing re: 239 Pleasant Street (Galal). S. Makowka cautioned the applicant that the Commission can not take a vote tonight because this hearing has not been legally noticed. Applicant said he is ready to go ahead in changing siding and putting clapboards and trim. He is proposing a composite trim on windows and has brought a mockup of what he would like to install. B. Cohen and M. Penzenik commented that the classical style shown in the mock up is not appropriate for this Mansard style house. Commissioner's said he should take design cues from what is up on third floor (where some original details remained). It was also suggested that he look at other examples of Mansard architecture for appropriate design ideas. For example, it was suggested that he take a look at a house on Russell Street that removed siding previously as well. The Commission reminded the applicant that he already had received approval for removal of siding, but not for the replacement of clapboards and trim. We had approved the removal of the siding many months ago and continued the rest of his application under the understanding that he would return at the next hearing with details for the siding and window trim treatment. After not hearing from the applicant at all for several months, the Commission voted to deny the application based on lack of required information. To move forward now, the applicant needs to submit a new application along with plans, drawings, side view, etc. for changes on front of house. The applicant stated that his carpenter was ready to begin now and that he needed to get approval tonight. S. Makowka explained that the Commission legally could not act on his application tonight because the hearing had not been legally noticed. The best that could be done was for him to submit a new application in time for the Commission to advertise a formal hearing at our next meeting at the end of February. The applicant indicated that he would be ready for the February meeting with a Formal Application.

The applicant also requested that the Commission give him feedback on his plans to rearrange the driveway at the front of his property. He wants to relocate the retaining wall and create 2 new parking spaces along Pleasant St. The Commission mentioned that he should seek input from the building department as well because a zoning variance may be required. In addition, he would need to get approval for the change in the wall and any changes in grade from the Commission. He would need to submit a formal application with plans clearly showing what he intended to do and show how this was compatible with the District. As always there is no guarantee that the proposed changed would be approved.

Due to the lateness of the hour, the administrative matters were deferred to the next month and the meeting adjourned at 11:15pm

Respectfully Submitted,

Carol Greeley
Executive Secretary

Cc: AHDC Commissioners
Arlington Historical Commission, Ms. JoAnn Robinson, Mr. Richard Duffy, co-chairs
Building Inspector, Mr. Michael Byrne
Building Department, Mr. Rick Vallarelli
Planning Dept. and Redevelopment Board, Mr. Kevin O'Brien
Massachusetts Historical Commission
Town Clerk
Robbins Library
Town Webmaster, J. Miskis