

City of Keene
New Hampshire

Historic District Commission
Meeting Minutes

Wednesday, December 19, 2018 4:30 PM 2nd floor Committee Room, City Hall

Commission members:

Andrew Weglinski, Vice Chair
Thomas Powers, Councilor
Nancy Proctor, Member
Hans Porschitz, Member
Joslin Kimball Frank, Alternate

Commission members not present:

Erin Benik, Member
Hanspeter Weber, Chair

Guests present:

Greg Johnson, Public

1. **Call to Order and Roll Call**

Vice Chair Weglinski assumed the role as Chair in the absence of Chair Weber. Chair Weglinski called meeting to order at 4:30 pm and roll call was conducted.

2. **Minutes of Previous Meeting – November 20, 2018**

Ms. Proctor moved to accept the minutes, Mr. Powers seconded and motion was approved unanimously.

3. **Continued Public Hearing**

a) **COA- 2018-03 – 34 West Street – Retroactive Approval for Window Replacement**

Chair Weglinski stated that applicant Mr. Greg Johnson, on behalf of owner West Street Keene LLC, requests retroactive approval for replacement of all exterior windows. A waiver is requested from Section XV.B.5.b.2 of the HDC Regulations regarding window appearance and Section XV.B.5.b.3. of the HDC Regulations regarding design materials. The property is ranked as a Primary Resource and is located at 34 West Street (TMP# 575-033-000-000-000) in the Central Business District.

Chair Weglinski invited the applicant to come forward, state his name and introduce the project, as well as explain the need for the waiver and how the three criteria for issuing a waiver are met.

Mr. Johnson came forward as representing the owners of 34 West Street. He said as the committee already knows, the owner replaced the windows in the building in approximately 30 openings of different sizes without approval from HDC. He stated that he does business with the owner and the owner asked him to represent him before HDC. Mr. Johnson stated that the owner originally requested a waiver for two different sections and he believes in reading the ordinance that a waiver is permissible. Mr. Johnson said the request for a waiver is based on the economic impact of acquiring and installing muntins to make the window grid system more prominent. He said the windows that were installed do have a thermal pain window design grid system. He stated that after doing some historical research, he discovered that the prior windows were not the original windows from when the building was built in the late 1800s. He stated he believes the prior windows were installed around 1917-1918. Mr. Johnson stated that the prior windows were in extremely bad shape. He said the owner contacted a couple of companies that specialize in restoring windows and in order to duplicate the old windows the cost would be prohibitively expensive so they installed the current windows.

Mr. Johnson stated that at the last meeting, HDC requested engineering data (he passed around papers to committee members). He stated that the current installations are a Tubelite T-14000 system with anodized aluminum and were installed by a New England distributor and purchased from a Michigan-based company. Mr. Johnson said he spoke to at least 15-20 people from different companies about this project. He said he is from Keene and he sold the building and it means a lot to him so he wanted to make sure he covered all of his bases. He explained that at the request of HDC, he explored ways in which the owner could install a grid system which would make the muntins more prominent. He stated that from a certain angle, the muntins are visible but not as prominently as they were before.

Mr. Johnson stated that he researched a number of companies that manufacture grid systems and narrowed his search down to four companies: TRACO Muntin Grid, BA Muntins, Graham Windows and Bacon's Architectural Muntins. He said he made a couple of extra copies to hand out to the Committee with the names of the companies that he spoke with. Mr. Johnson explained that he spoke with the Engineering department or Architectural division of a couple of the companies, and he liked Bacon's Architectural Muntins the best. He explained that the muntin system is made from architectural aluminum, not vinyl or wood. He said most companies use either vinyl or wood (Mr. Johnson handed out information sheets to members). He said the crux of the problem is that the costs were approximately in the same ballpark for each company. He said Bacon's Architectural Muntins quoted him \$250-\$500 per window and that would include just the cost of receiving the product in a crate. He stated he would then have to hire a glazer and a contractor. Mr. Johnson explained that if the supplier is to stand by their warrantee, the owner would be required to hire installers approved by the company. He stated that based on 30 windows and the cost of materials, installation and labor, he estimates a cost of approximately \$1000 per opening, which would total \$30,000 for 30 windows.

Mr. Johnson stated that none of the companies would give him a firm estimate unless he provided them with specific plans and dimensional drawings created by an architect or

professional. He stated that all cost estimates were provided over the phone. He said the total project would range from 30-50K, 50K being on the high end as some of the earlier prices he was quoted were much higher than \$500 per window. He said the less expensive options would be made from vinyl or wood. He also stated that the companies informed him that most buyers want the windows and muntins installed by the same company.

Mr. Johnson stated that the muntins would not deliver energy savings. They would only serve to improve the aesthetics of the building or restore its historical appearance. He stated that he appreciates the Committee's time and willingness to provide extensions on the hearing. He stated that on behalf of the owner, they would appreciate being granted the economic waiver for keeping the window installations as they are. He said when the owner bought the building it was in really bad shape as it needed extensive roof work. He said the owner also installed a new energy efficiency boiler and heating system and redid the exterior granite. Mr. Johnson said overall to this point, the building has not been a favorable investment. Mr. Johnson stated that he tried to provide all of the installation specifications and an overview of what was requested at the last meeting to HDC.

Chair Weglinski asked if members had questions for the applicant. Ms. Kimball Frank asked Mr. Johnson if he knew about the owner going forward with the installations without HDC approval. Mr. Johnson replied that he was not aware of the approval needed for the window installations. He said he was the broker on the building and was hired as a leasing agent, and he also worked with the owner on the boiler system installation. However, as far as the windows are concerned, he was not involved in the permitting. He stated he did not know if the owner secured a building permit and Ms. Brunner replied that a building permit was not needed. Mr. Johnson stated that he was contacted after the fact by the owner, Mr. Tom Reilly, who asked him if he could work with the HDC to pursue approval. He stated that Mr. Reilly did not want to spend any more money. Ms. Kimball Frank asked Mr. Johnson if he should be informing buyers about the approval process if he is a broker in the Historic District, or does he leave the permitting up to the buyer. Mr. Johnson replied that in this case it was up to the buyer as the Mr. Reilly owns a lot of properties and that is not usually his job unless he is asked to be involved in the renovation or restoration of the property. He stated that he is licensed as a Certified General Contractor and Property Inspector, so people do ask him for advice and he always encourages buyers to get their permits and to go to City Hall. Mr. Johnson stated that was involved in 149 Emerald Street and 1 West Street project renovations so he is very familiar with the City's historical preservation. He said he also belongs to the Historical Preservation Committee in Swanzey and is very sensitive to following the rules.

Chair Weglinski asked Mr. Johnson if he received the pricing over the phone. Mr. Johnson replied that he received pricing in an email that he is willing to share with Ms. Brunner; however, it is just a budget number. He said obtaining pricing was difficult because each company has their own unique approach and provides different materials. Chair Weglinski asked Mr. Johnson if he had preliminary pricing from the different manufacturers for the muntins. Mr. Johnson said Bacon's Architectural Muntins was the most accurate pricing and they estimated \$250-\$500 per window with the aluminum dye. He said he did not want to go with the cheaper vinyl or wood because of maintenance concerns with those materials. Chair Weglinski asked if Mr. Johnson received a proposal from a general contractor to do the installation and how he

derived the pricing. Mr. Johnson stated that he did not receive a proposal and he derived the estimate based on his own experience, along with a budgetary proposal from Mr. John Lewis with Bacon's Architectural Muntins. He said he can forward a copy of Mr. Lewis' emails to Ms. Brunner, however, they are hoping they do not have to install the muntins. Ms. Brunner replied that if Mr. Johnson wants to include the emails on the record she can collect his emails from him. Councilor Powers asked if the pricing he received was from the same man who installed the windows. Mr. Johnson replied no, that individual was very uncooperative and he only sold the windows and does not provide the muntins. He said he reached out to him for help as he was the one who sold the windows but he did not return his phone calls. Councilor Powers asked if the same person who sold the windows installed them. Mr. Johnson said the owner bought the windows from Mr. Wayne Komm from Best Door and Lock at 603-716-6465. He said the windows were installed by a general contractor from Manchester but he does not know the name of the contractor. Ms. Proctor asked Mr. Johnson if he estimates the cost of the materials is \$250-\$1000 per window and then an additional for \$500 for installation. Mr. Johnson replied that is his estimate as he did not have a general contractor come in to measure thirty windows. He said everyone is so busy and they would want assurance that the project will go forward and he could not provide that guarantee. He said general contractors are not savvy about putting muntins on windows in Keene.

Mr. Johnson stated that he is estimating an additional \$500 for job overhead, staging and permits for contractors. He said that could be a high estimate but he would rather err on the side of a higher budget estimate. He stated that the other problem is that every one of the openings are different and out of 30 openings there are five different configurations and each one has to be assembled and manufactured in Michigan, shipped to Keene and the installation is so intricate that there is bound to field issues that will require changes. He said this is all based on his own research and experience. He also stated that he could ask a company like McMillan for an estimate but they are backed up two years from what he understands.

Ms. Kimball Frank said the original openings were 9X9 panes and asked Mr. Johnson if the new installations will show 9X9 with the muntins. Mr. Johnson explained that in 1970 when the school district bought the building from the post office, they put a slab in and cut across the window so some of the new windows are "dead" windows with nothing behind them. Ms. Kimball Frank asked what the muntins would look like in the new windows. Vice Chair Weglinski replied that the muntins would just go over on the exterior.

Vice Chair Weglinski invited staff comments.

Ms. Brunner stated that HDC reviewed the applicant's request at the October 3, 2018 meeting during which time the Board heard from a couple members of the public on this project and decided to continue the public hearing at the October 17, 2018 meeting. At that meeting, the Board requested more information from the applicant about possible solutions for adding an exterior muntin grid to the windows. The applicant requested an extension to the decision deadline twice in a row which brings them to the current meeting. The applicant is requesting approval for replacement for all exterior windows and is requesting waivers from Section XV.B.5.b.2 of the HDC Regulations regarding window appearance and Section XV.B.5.b.3. of the HDC Regulations regarding window design materials.

Ms. Brunner stated that staff has not had a chance to review the materials submitted this evening so she does not have any comments at this time regarding the quote from the Bacon's Architectural Muntins. However, she feels the applicant has researched quite a few options as well as looked into budget numbers. She said as a quick review of the work that was done, according to the applicant, the size of the upper sash of the window was reduced and the size of the lower sash was increased compared to the original windows in order to match where the floor comes in. Ms. Brunner said the Board discussed this at their October 3 meeting and they felt that the changes made sense. She said there was also a change to the materials as the windows that were replaced were double hung wooden windows, and what is currently being proposed is aluminum with a dark bronze finish. She said the other major change is that the lights are no longer true divided and have between glass muntins. Finally, Ms. Brunner stated said because applicant is requesting the waiver, members may want to go through the waiver criteria which are in the packet. Ms. Brunner also handed out copies to members who wanted them.

Chair Weglinski invited the members of the public to comment. There were no more public comments so he closed the public hearing and began deliberations.

Councilor Powers asked Ms. Brunner to clarify if the waiver request is for the following two reasons (1) the windows put in last year are not the same as prior windows, as they are metal and not wood, and (2) windows do not have exterior muntins. Ms. Brunner replied that is correct, the HDC regulations state that if the historic window to be replaced is wood, the replacement window should also be wood, wood clad with aluminum or a material of equal quality that is approved by the HDC. She said one of one of the two specific criteria that applicant is requesting a waiver for are the change in material from wood to aluminum, and the replacement windows should have true divided lights or a permanently affixed muntin grid on the exterior of the window.

Chair Weglinski asked if there is any discussion.

Mr. Porschitz stated that the new installations do affect the aesthetics and his biggest concern is it is difficult to see the integral muntins from certain angles which change the character of the building. He stated that he appreciates the effort on the thermal performance which is often in conflict with preservation of the aesthetics; however, the fact that the grids are not apparent on the outside changes the character of the building from a historic perspective. Chair Weglinski agreed with Mr. Porschitz. Chair Weglinski also stated that he feels it is difficult to approve or deny the request because they do not have a full understanding of cost. He said they have a budget amount but no actual proposals and they were not presented that information beforehand for review. He said he understands the hardship and the options, but he wishes the information was presented beforehand so the Commission could make a more informed decision.

Councilor Powers stated that not having the muntins in the windows does change their appearance and in order to make an economic waiver for one of the criteria, he does not feel they have enough good economic data to make a decision. Ms. Kimball Frank said she feels the same way, as looking back on the letter Mr. Johnson sent in September is stated that all windows should look exactly as they are now with no deviations. She said it is important to have the

muntins seen from the outside and although the building looks great, the missing muntins impacts the appearance of the windows. Ms. Proctor recommended that the Commission allow an extension to Mr. Johnson to acquire more information to substantiate the economic hardship proposal in writing ahead of the next meeting. If they are on the high side, that makes hardship more of a case. Chair Weglinski stated that the Commission has come to an agreement and staff can now make a recommendation.

Mr. Lamb stated it is appropriate to ask Mr. Johnson to come back, open the hearing and allow him to provide more information the Commission requires. He said they are at the end of the decision deadline so they need the applicant's agreement to extend the decision deadline.

Chair Weglinski reopened the public hearing and Mr. Johnson stepped forward.

Chair Weglinski recommended that the Commission would like Mr. Johnson to return with more concrete proposals provided ahead of time so they have more time and information to review Mr. Johnson agreed.

Chair Weglinski closed the public hearing again. Ms. Brunner stated that they can now make a motion.

Ms. Proctor moved to extend the decision deadline and continue the public hearing for COA-2018-03 to the January 16, 2019 Historic District Commission meeting in order to give the applicant more time to comply with the Board's request for written documentation that demonstrates how the waiver request from Section XV.B.5.b.2 of the HDC Regulations meets the HDC waiver criteria. This information could include, but is not limited to, cost estimates from the window installer as to the cost of retrofitting the windows with permanently affixed exterior muntins grids, and/or documentation that establishes the feasibility or infeasibility of installing permanently affixed exterior muntin grids on the windows. No further extensions for this application shall be approved, Councilor Powers seconded and motion was passed unanimously.

Councilor stated that the motion should state clearly that HDC requires actual proposals for materials and for labor. Ms. Brunner said after any HDC decision, City staff sends a letter to the applicant that details what the decision which will also include the motion, and in this case she will also include Councilor Powers comment.

Ms. Proctor moved to amend the motion that the material provided include the total cost of the installation of the muntins in advance of the next meeting so that City staff has time to prepare and put items on the agenda, Councilor Powers seconded and motion passed unanimously.

Councilor Powers moved to accept the amended motion, Ms. Proctor seconded and motion was passed unanimously.

Mr. Lamb stated that he appreciates the formality of the Chairman and the Commission as what they do is quasi-judicial as it pertains to people's property rights.

4. Keene Building Better Together Project

City staff will provide an overview of the City's efforts to update its zoning & permitting processes to create a simpler & more efficient experience for all. To learn more about the project, called "Building Better Together," please visit www.keenebuildingbetter.com.

Mr. Lamb stated that he is sitting in for Ms. Kessler who is the project lead and expert on the Building Better Together (BBT) project. He said he will give HDC a project update on how BBT relates to the HDC process, rules and city ordinances dealing with the Historic District (HD) and more specifically about how the HD would operate within that context. He stated that the BBT project comes out of several goals set by the City in the past two years and out of the 2010 Comprehensive Master Plan. Mr. Lamb stated that the project aims to simplify and make the overall land use codes more efficient in terms of how people work their way through identifying a building project and the process pertaining to permits, land use codes, zoning, subdivision and site plan standards, City codes as they relate to driveways, streets and drainage and more. He stated that BBT applies to huge projects or subdivisions of single family homes, as well as within the HD. Mr. Lamb stated that in the process of making the land use codes more readable to the average person, they are also looking at the HD as a key element involved in developing and modifying buildings Downtown.

Mr. Lamb stated that from the very beginning, an important phase of the BBT project was examining the zoning in Downtown, which is an ill-defined area as there is a mix of zoning districts which apply and the HD overlaps many of those. He said in addition to underlying zoning, there are at least 4-5 zoning overlay districts, for example, the Railroad property, the Seed District and the Gilbo Avenue overlay which was related to the character and layout of buildings. He stated there is a complex layer in Downtown and part of the simplification process is to address all of these layers in a fashion that most people will more easily understand.

Mr. Lamb stated that the big concept he would like to relay to HDC is called form-based zoning. He said instead of having multiple overlay districts, including HD, which primarily orient around the use of buildings, form-based zoning is a newer concept in the planning world which focuses more on the appearance, scale and massing of buildings and how those buildings relate to the public street. He said the City is already working with a consultant to learn more about form-based zoning to see if this concept can apply in the Downtown and they believe it will and are moving forward with the contract. He stated that the elements that form-based zoning entails does overlap with the work HD does at least in terms of new buildings. He said it focuses on the dimensional characteristics, location and height of a building in relation to a street, including how a building is activated (e.g. blank walls, openings, windows). Mr. Lamb stated that these are all elements of a form-based zoning district that typically do not come up in regular zoning or even Planning Board settings, although the Planning Board does have Standard 19, which is a building appearance set of standards.

Mr. Lamb stated that instead of these elements being an afterthought, they are all addressed as a primary feature of the planning in a form-based district. He said form-based code entails clear standards from the very beginning that a design or architect or project owner would have to follow. Mr. Lamb stated this does not mean that every building has to possess the same historic, architectural features or character; however, the consistencies of building heights, relationship to other buildings on the street are taken into consideration from the onset. He said this prevents new buildings from being set way back and deviating from the wall of buildings that create the character of the Downtown. Mr. Lamb stated that form-based zoning will only apply to new buildings. He said he thinks they are addressing a whole new set of questions through form-based zoning that are not currently being addressed.

Mr. Lamb stated that new buildings are going through a site plan review and HDC process and those two processes do not overlap that well and there is often a duplication of effort. He said the City is considering that as they rewrite their land use through and adoption form-based code and they are aiming to have new buildings be approved by the form-based code but not the HD review. That would mean new buildings would go through only one process. He said they would like to preserve the HD review for historic structures, as the real heart of a HD is the management, processing and review of changes that are made to historic buildings. Mr. Lamb stated that they are in the process of developing form-based zoning with the Planning Board and City Council. They are currently reviewing boundaries of what zoning would look like in Downtown. He said this will be an ongoing process with the consultant for most of the first and second quarters of 2019. Mr. Lamb said they are working to write other sections of the code through to September 2019. He said they will be return to HDC in June 2019 to acquire more input from the Commission, to ensure the project will serve the character-preserving process the HDC is concerned.

Councilor Powers asked Mr. Lamb about the Pappas Main Street historic property in which they demolished a barn, but built a new barn. He said technically the new barn is a new building but it is on a historic property. He asked Mr. Lamb if that type of project would still come before HDC. Mr. Lamb said most likely yes will as the new building is altering a historic building. Ms. Brunner stated they are proposing that the HDC would review the demolition of a historic structure, but in that case the new structure would go through the form-based zone process.

Ms. Kimball Frank asked if the consultants the City is working with are urban architects. Mr. Lamb said the City hired a Chicago-based firm who are professionals in the urban planner mold, but they have architects that advise them. He stated that they are confident that the firm will provide the type of advice the City needs as they are experts in the field of form-based zoning. Mr. Lamb stated that staff will hold ongoing monthly reviews called the Developer's RoundTable and will be meeting people in the professional design field in Keene who will translate all the rules to the people that are building. Ms. Kimball Frank said her other concern is that there are no parks Downtown. She said when she lived in NY, when buildings are taken down they put in pocket parks. She said it is very hard to find any green or a place to sit other than next to the cars and she encouraged them to think about that in their planning. Mr. Lamb agreed.

Ms. Brunner stated that the end result of this project will be one document called a Unified Development Ordinance. She said they just completed amending the HDC regulations again to fit into the new process and HDC members will be reviewing more amendments down the line. Mr. Lamb stated that the document will have three different boards reviewing it, although City Council has jurisdiction over most of it, HDC has an equally important and independent review authority over their own regulations. Ms. Proctor asked if this will affect the low, medium and high density zones. Mr. Lamb replied that there are likely to be zoning changes outside of the Downtown area, but overall patterns are not likely to change. Ms. Brunner said currently the City has permissive zoning which is a list of what is permitted and what is not, and those lists have not been updated for a long time. Mr. Lamb said the BBT project will define development patterns into the future.

5. Staff Updates

a) 2019 Meeting Schedule- Ms. Brunner handed out the meeting schedule for 2019 and encouraged members to mark them in their calendars.

b) Committee Membership- Ms. Brunner stated that there are currently 6 regular members and one alternate. She encouraged members to reach out to individuals who may be interested in joining the Commission so that they can make quorum. She said members must be Keene residents and can be property owners in the HD, business people in the HD, architects, historic preservationists. She said they already have the two required positions filled, Councilor Powers and Ms. Erin Benik as Liaison with Heritage Commission. Ms. Proctor suggested they put an article in the Sentinel to advertise. Ms. Brunner said it is also helpful to identify candidates and invite them to join personally because of their interests or skills.

6. Next Meeting – January 16, 2019

Vice Chair Weglinski adjourned the meeting at 5:48 pm.

Respectfully submitted by,

Ayshah Kassamali-Fox, Minute-Taker

Reviewed and edited by Mari Brunner, Planning Technician