

**Planning Board Meeting
Regular Meeting May 19, 2010**

The regular meeting of the Planning Board took place on the above date. Chairwoman McCabe read the Open Public Meeting Act and requested Mrs. Citterbart called the roll. Board Secretary Mrs. Citterbart stated there was a quorum.

Members Present: Mr. Caffrey, Mr. Elvidge, Mr. LeFrois, Mr. Ricciardo, Mr. Russo, Mr. Flaherty and Chairwoman McCabe

ALSO PRESENT: Mr. Tom Molica, Esq., of Vogel, Chait, Collins and Schneider, Debra Millikin, Deputy Town Manager and Director of Community Development and Kathy Citterbart Planning Board Secretary.

FLAG SALUTE

CONSIDERATION OF MINUTES

February 17, 2010

Mr. Russo made a motion to approve the February 17, 2010 minutes. Mr. Elvidge seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo and Mr. Russo

March 1, 2010

Mr. Russo made a motion to approve the March 1, 2010 minutes. Mr. Ricciardo seconded motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Ricciardo, Mr. Russo and Chairwoman McCabe

March 17, 2010

Mr. Flaherty made a motion to approve the March 17, 2010 minutes. Mr. LeFrois seconded the motion.

AYE: Mr. Elvidge, Mr. Flaherty, Mr. LeFrois and Chairwoman McCabe

HISTORIC RESOLUTIONS

Applicant: #HPC-02-2010- Domestic Abuse Services, Inc.

Property Location: 28 Church Street

Block: 708, Lot: 13

Recommendation to install a 4 ft. high black aluminum fence around side and rear yards to provide a safe play area for resident's children.

Mr. Ricciardo made a motion to approve the Resolution. Mr. Elvidge seconded the motion.

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AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. LeFrois and Chairwoman McCabe

Applicant: #HPC—3-2010- Dennis Memorial Library

Property Location: 101 Main Street

Block: 710, Lot: 1

Recommendation to replace existing second floor window with a door onto the fire escape.

Mr. Elvidge made a motion to approve the Resolution. Mr. Flaherty seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. LeFrois and Chairwoman McCabe

Applicant: #HPC-06-2010- Edward & Jesscia Schetting

Property Location: 68 High Street

Block: 708, Lot: 16

Recommendation to replace existing two story front porch in kind.

Mr. Ricciardo made a motion to approve the Resolution. Mr. Elvidge seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. LeFrois and Chairwoman McCabe

Applicant: #HPC-05-2010- James Sakellaropoulos/Waldmere Hotel

Property Location: 144 Spring Street

Block: 711, Lot: 27

Recommendation to approve the following exterior renovations:

- Replace top/upper flat roof with in-kind replacement materials.
- Replace the 4th floor mansard/ façade with slate line GAF/ELK shingles in "Antique Slate."
- Replace the 4th floor window sashes with wood clad windows (wood exterior on window).
- Remove aluminum around the window dormer and replace with either wood and paint or with pvc material in white.
- Cover existing yankee gutters with aluminum or copper and install ½ round aluminum gutters with brackets and corrugated downspouts, use funnel connector to connect two downspouts.

Mr. Ricciardo made a motion to approve the Resolution. Mr. Russo seconded the motion.

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AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. LeFrois

ABSTAINED: Chairwoman McCabe

Applicant: #HPC-05-2010- James Sakellaropoulos/Waldmere Hotel

Property Location: 144 Spring Street

Block: 711, Lot: 27

Recommendation to deny application requesting to do exterior renovations as follows:

- Strip exterior siding (3 layers) to wood sheathing.
- Repair any damage and insulate/house wrap exterior with new siding (2nd & 3rd floors.)
- Remove and replace 4th floor shingles with asphalt slate replicas and repair damage.
- Rehab the dormers and trim.
- Rehab gutter system and install new.
- All exposed flashing to be copper color.
- Remove and replace vinyl replacement windows with vinyl architectural windows with integral trim package.
- Replace fascia and freeze boards.

Bob Kosolas, Esq. from the firm Brach Eichler, L.L.C. located in Roseland, NJ representing Sakel-Grapsas Inc. Mr. Sakellaropoulos is an officer and president of Sakel-Grapsas Inc. He would like to make a presentation tonight to explain what he is looking to do and what he can do from a practical point of view, what he cannot do and how he intends to comply with the purpose and intent of the Historic Preservation Ordinance of town based on his proposed budget and how he would like to perform repairs and maintenance to this property.

SWORN: Jimmy Sakellaropoulos

Mr. Kasolas stated: My client and I have reviewed the ordinance we believe that is pretty clear that we intend to fully comply with ordinance, the purpose and intent of the Historic Preservation ordinance to perform a maintenance repair and partial renovation in the full spirit of the Historic Preservation ordinance. Some of the intended purposes are listed in the ordinance as to safe guard the heritage of Newton by providing resources in the town to make it a harmonious setting. At the same time 20-AD states to stabilize and improve property values within the district at the civic pride and environment sub section F 20a-3 states to encourage beautification and private reinvestment and in addition L states to enhance the visual and ascetic characters, diversity and continuity and interest in the town, and section M states to promote the conservation of the Historic sites and districts and to encourage voluntary compliance. The renovations that my client intends to install do all those things. The property currently does need repair. The roof does need to be repaired and or replaced. The siding needs to be replaced, the gutter needs work, work around the dormers must be performed and approximate budge to perform the work we are looking at about

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\$150,000 with what we intend to do. I do not know how many of you are familiar with the property. The property has been appraised at approximately \$1,000,000. So we are looking to spend 15% of the appraised value of the property to improve the exterior look of the property to make it look as it currently looks today. When he is finished with the renovations the property will look very similar to what it looks like now only in a fully repaired and a newer condition. Mr. Sakellaropoulos will make a presentation with what he intends to do there and he will provide better details than I can, but we have reviewed the recommendations of the Historical Committee and we estimate the approval for like-kind of the building would cost \$400,000 to perform. \$400,000 on the building that is valued at approximately \$1,000,000 is 40%. I would respectfully submit to the Board that is extraordinarily cost prohibited to do. The purpose of the Historic Preservation Ordinance is to stabilize property values, to encourage beautification of private investment, to have people comply the Historic Committee Ordinance while at the same preserving the historic nature of the district and enhancing the visual ascetic character of the community, I think trying to impose that type of finance hardship upon someone who is willing and enable to spend that kind of money to improve their property and assist the town and themselves is very burdensome to comply with. There are specific provisions in the ordinance that are applicable here which are very on point on what we are looking to do here today. Section 20a-10 subsection b states that a review by the commission is not required in the following circumstances: Sub section 3 which states ordinary repairs, maintenance that do not constitute a change of the appearance of the structure. The following are the only activities that do not require commission review according to this criterion. Sub section c states: Repair of existing roof structure such as copula, dormers and chimneys using the same material which will not alter the exterior architectural appearance of the structure. My client needs to repair the dormers that are on this property. He intends to use materials of like-kind. The materials that have been recommended by the Historical Committee are too cost prohibited. Mr. Sakellaropoulos will explain why but there are materials of not like-kind that will improve the appearance dramatically and put on building materials that are far superior to what is actually there now. The material my client intends to use to repair the dormers is of like-kind and will not change the exterior architectural appearance of the building in any significant or substantial matter they are basically the same. Sub section D also states a replacement in kind of existing shingles, platforms or other siding maintaining the architectural and integrity of the structure. I think everyone here knows the exterior now has an aluminum siding. My client proposes to install vinyl siding, which is a little better, it is a little more upscale but at the same time it will look very similar to aluminum. So while he is doing minor upgrading of the exterior façade to the building, it is something better and it is a little more expensive and at the same time it is of like kind. I think the proposal by the Historic Commission was to remove aluminum around the window dormer and replace with either wood and paint or with pvc material in white. We all know wood windows are very expensive, wood exterior siding is very expensive, maintenance alone cost a lot of money and that is above and beyond of what is required by the spirit and the intent of the ordinance as well as sub section 3b. Further is the Board were to review the sub section 3e it says maintenance and repair of existing shingles, clap board or other siding using the same materials as that being prepared and maintained. My client is using the same material only a slightly better higher quality. He is going to use vinyl in lieu of the aluminum. We believe under those sub section and what he has proposed to do to the exterior of this

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building is in full spirit and accord with the ordinance. I don't see in any way what he proposes for building is going to in way threaten danger or alter the historical nature of the downtown area. I don't see how it will have impact what so ever. It is basically going to be as is now except with a much newer appearance. Mr. Sakellaropoulos has put together a presentation that he would like to present tonight that shows what he going to do will not in any way change the current appearance of the building, will not in any way violate the ordinance and will not in any way threaten the purpose and intent and spirit of the Historical Ordinance that the town has on record.

Mr. Sakellaropoulos stated: If the Board members can look at the photos of the building and its current condition, you will see the front facade, the rear view and the side views. If you look carefully, the building is currently a collection of multiply materials. There are some points in the third picture that show you a side view of the fire house and the alley way between you will see the aluminum siding and all the dormers and all the over hangs all currently covered in aluminum. If you look at the historic pictures you will see a lot of details as far as little bric-a-brac and little pendants and all different types of integral wood workings. Those are all covers. You can see a lot of cable wires running all over the outside of the building. A dilapidated gutter system of pvc piping. I am a general contractor and I specialize in commercial outside work. I am doing the renovations myself and I am looking to upgrade the building as far as repair the leaks and restore some of the character the building used to have. I understand the Historical Commission wanted me to go all way and turn it back into what you see in these old photos. It is too cost prohibited. The building has been in our family for 31 years and it is a very beautiful building in the past. Currently it is all covered up. It has a lot of things going on. It has aluminum siding on one side, plastic in the front, an old asphalt shingle on the peak on the very front window up on the point that has been painted. I am looking to uniform the building into one look and do at a reasonable cost. At some point this building is going to need an extensive rehab on the outside. There are leaks all over the place. I have to meet somewhere in the middle of what is proper and what is manageable as far as budgetary concerns go. If there are any questions on the material I will be happy to answer them.

Mr. Molica stated: I think what you represented through Mr. Kasolas is that you don't feel you are subject to Historical Commission jurisdiction because what you are doing falls under one or more for a total of three exemptions to the Historical Ordinance. Is that accurate?

Mr. Kasolas stated: That is part of our argument. The other portion of our agreement we are in any way threatening the historical nature of the downtown area. This building has been in his family for 31 years and they have always taken care of it and they care about the building and they care about the town. They are willing to put a substantial amount of money into the building to renovate it and it will benefit the downtown area and surrounding businesses and surrounding properties. If a substantial financial hardship is going to be opposed upon my client and other people downtown who are looking to renovate their buildings and I think it will be very difficult for the downtown historical district to perform maintenance, to put money into their buildings to preserve the property values. There is only so much someone can bear especially in these hard

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economic times as we all know putting money into a building to renovate it. Mr. Sakellaropoulos is going to perform this work himself. He is not going to hire some general contractor who is going to pass the dollar. He cares about the building, his family owns the building and he is going to pay the utmost attention to the details and make sure he handles them in the most detailed proper professional manner. He is going to perform work that will meet all the requirements and what we want to make clear is Mr. Sakellaropoulos is okay with line item 1 and 2 of what the Historic Commission proposed. He is going to take on item 1 and 2. He will take on the expense to do. He is willing to compromise. With respect to line 3, he needs to be able to replace the windows with vinyl window. Wood windows are very, very expensive and it makes it very cost prohibited to do the job and with respect to the ordinance sub section 3c,d and e the property currently has vinyl windows so we believe that it is not in accordance with the ordinance to try to compel my client to install wood windows when the property already has full vinyl windows throughout the property.

Chairwoman McCabe stated: Mr. Kasolas, the denial of application that is on my agenda is regarding a different section. The Board already approved the renovations that you are discussing. The denial is for striping the exterior siding, repairing any damage, that section.

Mr. Sakellaropoulos stated: The fourth floor was approved but there were a lot of specifications put on it as far as details.

Chairwoman McCabe stated: The line that says rehab the dormers and trim. That line is a little vague. What did you disagree with?

Mr. Sakellaropoulos stated: Replace the 4th floor window sashes with wood clad windows (wood exterior on window). Those windows are currently vinyl. I have 93 openings. Every one of them is a vinyl window. We are taking it in the in-kind. We currently have a vinyl window there.

Mr. Ricciardo asked: Are vinyl widows permitted in the historic district? Is vinyl siding permitted in the historic district according to the regulations of the historic codes. Are they permitted or not?

A board member stated: They are not.

Mr. Sakellaropoulos stated: The building next to me has vinyl siding and vinyl windows. It was done a couple of years ago. The Bula Restaurant did the renovation 6 years ago.

Mr. Ricciardo asked: I am not getting to point of whether you can do it or not, I am asking code questions. My next question is you are saying maintenance vs. replacement. You are going to remove all of the aluminum siding and you want to replace it with vinyl siding?

Mr. Sakellaropoulos stated: To be completely honest with you, I have three layers of shingles; I have a wood shingle building that you see in these pictures, if you look at that

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post card in your packet, that is a cement board shingle over the top of the wood shingle and the slate has all been removed and that is an asphalt shingle. This has been covered over once more with what you see in the current pictures today. You have three layers of siding on this building. If I could possibly remove it down to the wood and I find the wood to be in good condition enough to be painted I will restore the wood. But the question is what am I going to find?

Mr. Ricciardo stated: I am not asking that question. My question is: you going to remove all of the aluminum siding and replace it with some type of shingle whether it is approved by this Board or not. And that includes all of the work on the fourth floor?

Mr. Sakellaropoulos stated: Yes.

Mr. Ricciardo asked: Do you have any drawings of what that will look like?

Mr. Sakellaropoulos stated: The color photo that is right here is actually a four inch reveal clap board in wood which is exactly what it will look like minus a couple of details on the over hangs. This is a building we did in Randolph that is exactly how I plan to have the vinyl. It is a proposed soffit detail. This will be marked **at Exhibit A**. This would be the projection between the third and fourth floors of what it would look like from underneath. That is vinyl siding. It is an architectural window. An architectural window is it has an integral molding built into it. With this window it has an architectural molding built into. When you install the vinyl siding, the vinyl siding are forty foot panels. There are no seams. So unless you are close to that window, you do not know it is vinyl siding. This is a first floor street level where you walk by and see the window, you would see the vinyl siding. I am not proposing any type of work on the first floor.

Chairwoman McCabe stated: You said you have 93 windows that you are going to replace.

Mr. Sakellaropoulos stated: That is correct. I want to replace every single one.

Chairwoman McCabe stated: And that is part of this application?

Mr. Sakellaropoulos stated: That is what I wanted to do in the first place. I was granted the top floor work but none of the other work. I have numerous penetrations from cable lines, from all things; I have leaks all over the place. It is kind of hard as a contractor to watch the building fall apart in front of my eyes due to water damage. You know that water is a buildings worth enemy. This building is 150 years old plus. As some point it has to be stripped down and redone. I just don't have that kind of budget to spend the money that it would cost to restore it.

Mr. Ricciardo stated: Your intent is not to restore to this condition, it is somewhere between this and this. (Looking at the pictures).

Mr. Sakellaropoulos stated: The top floor will have the slate that they already approved. The look to the building will be somewhere in the middle from what I have today to what it was.

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Mr. Ricciardo stated: The siding you want to use is the only one available to you. You are not interested in a hardiboard something that looks more like a wood product?

Mr. Sakellaropoulos stated: Part of the problem with that is that the hardiboard needs a flat stable base to nail it one. If you look at the side of my building, my building has a lot of wave to it. If I know I would have a nice flat base I could maybe somewhere budget in for hardiboard. The problem is I feel if I go to strip the building down and there is more damage, the cost to repair the damage will prevent me from doing anything further than a vinyl siding that is a little more forgiving. It can take a little bit of a wave.

Mr. Ricciardo stated: You are going to see a wave in the vinyl.

Mr. Sakellaropoulos stated: This vinyl is very thick. It has a double hem. It is a new sliding that has just come out. It hangs very true. You have to remember it is above your head. It is not on street level.

Mr. Ricciardo stated: We both know that if you look at a wall with vinyl siding if it is wavy you are going to see the wave whether you are at ground level or above.

Mr. Sakellaropoulos stated: After I strip all this off, I would like to run $\frac{3}{4}$ - 1 inch installation on the outside of the building and house wrap it to prevent the freezing of the walls and it will give it a nice flat look.

Chairwoman McCabe stated: Than you will be able to use the hardiboard.

Mr. Sakellaropoulos stated: Actually not. The installation is not very dense. If you nail the hardiboard it has to be nailed very tight to the wall. Vinyl siding is hung where hardiboard is nailed to the wall. The installation is not dense enough. It will probably have more of a wave than not. The material is not much of a different in price. The labor is extremely expensive and now you change the whole look of a window. With hardiboard you have to trim every single window. You need some stop point of your corners and windows. With the vinyl, you install a window and you are done.

Mr. Ricciardo asked: How much investigation work have you done on the existing condition?

Mr. Sakellaropoulos stated: Barley any. The problem is the aluminum siding is very hard to remove and put back it on. You almost destroy it taking it off. If I start digging, now what? I have exposed wall that I can't do anything with.

Mr. Ricciardo stated: I have been an opponent with some compromise when it comes to historic districts and I put vinyl replacement windows in my house and I don't see a problem with them from the street level you can't see the difference. But I do have a problem with vinyl siding in the historic district.

Mr. Elvidge asked: In relation to this picture right here, when was this renovation taken place.

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Mr. Sakellaropoulos stated: The aluminum siding was put on in 1979 and 12 years ago it was painted to those colors.

Mr. Elvidge asked: So in this picture, all that happened was painting? Any windows changed?

Mr. Sakellaropoulos stated: When the building went from Waldmere Restaruant, when Spring Street was redone, the fact that the street was already shut down, they shut down at the same time to renovate the building that is when the front came about. They went in front of the historical society with an historical architect and this is what was approved. The color, the lay out, the claps and etc. The street level only is about a 14 year old renovation. The upper part was '79 '80.

Mr. Ricciardo asked: You are telling us that this particular renovation went before the historical commission and was approved once before.

Mr. Sakellaropoulos stated: Only the first floor. The restaurant section of it. The top was done in 1979 by a local guy that is still around and he does odd jobs here and there. That is why it came out the way it did.

Mr. Elvidge stated: Did the door change, did the windows change?

Mr. Sakellaropoulos stated: On the first floor yes. The rest of the building no.

Mr. Elvidge stated: That is what I want to know. As far as the windows what was there? What was there before the two picture windows?

Mr. Sakellaropoulos stated: They were double hang. If you look at the post card picture it became that.

Mr. Elvidge stated: So it went from that to way it looks now?

Mr. Sakellaropoulos stated: Yes.

Mr. Elvidge stated: I am trying to get the point address. It is consistency and inconsistency and it not the blame on the historic commission but there is a significant change from this to this. There was a significant change. If the intention is to keep the character of the building than the character was this at one time and it did go to this and all I remember in my mind is when this change occurred I thought this was a pretty nice renovation. All I want to say publicly is I want to respect the historic commission but I want to respect the fact that when people are in a position where they have major renovations like this there has to be a balance struck between what we want accomplish and the price. Whether it is me on a small scale or it is someone on a large scale. I still have the same respect whether it is a small dollar or a big dollar. If in fact your renovations or the cost that you are talking about represent over \$400,000 on an accessed building of a \$1,000,000 without knowing what the actual breakdown is I would consider that almost crippling. I do not think that is the intention, certainly not my intention, whether the ability to improve something to have someone incur a cost that

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painful. I do tend to agree with Mr. Ricciardo with regards to vinyl siding, stay away from that but at the same time it all depends on what we want to accomplish in totality vs. what we are actually going to receive. I would like to say to the Board what you do see in many of these pictures trying to make an improvement on Spring Street and being respectful but not being handcuffed and handcuffing people to not make those improvements because they are so expensive. I think we want a nice street scape but I tend to lend to some type of adjustment where we can make it more affordable.

Chairwoman McCabe stated: Because there are several line items within this denial some of them you are agreeing to. Lets pull apart what you are agreeing to and let's talk about what we have an issue.

Mr. Sakellaropoulos stated: When I was one years old I used to play in the lobby of this restaurant that was the Waldmere Hotel. This is like a second home to me. As a general contractor, what every you end up approving, it looks pretty nice. My mother did this free hand; it got approved and went further. As owners of the building you do business in, you give a little more pride more love to a building than just hiring a guy and say come in here and do whatever. So you can be rested assured that you will not turn around and say what happened here. I planned to be proud of the work that comes out of it. If I have to spend a little extra money along the way then so be it.

Mr. Elvidge stated: I can remember when that change occurred that was a big change to Spring Street at the time and it wasn't negative it was positive.

Mr. Sakellaropoulos stated: I have looked for grants, looked all different ways to raise to money, they just are not out there. If I could bring this building back to its original grandeur like this picture I would love to. This is a building to be proud of. But the cost prohibition is immense.

Mr. Kasolas stated: If I may point out to the planning board there are definitions under the ordinance regarding historical landmark. I don't believe that his property is one that would be classified as a historic landmark. I think if anything this probably would fall under the definition of a contributing property even if that. A contributing property would be a building structure or site which is an integral component of a historic district either because the date from a time period or because they represent a architectural type, period or method within the district that is significant based on the renovations that have already taken place for this property I would respectfully submit that the building does not represent a architectural type, period or method which is significant which is something that would be integral to the historical district. I think we would struggle respectfully to even call the building a contributing building which will fall within the historic ordinance. With that being said, the building already has the vinyl windows, it already has the aluminum siding, and I don't believe it is the spirit of this historical preservation ordinance or any ordinance to take a building that is not a historical building or is not a historical landmark and try to turn it into that. I don't think that is the purpose of the ordinance. I don't that is what the ordinance calls for. We are certainly happy to go through each item that remains line item by line item that was approved by the commission and discuss it with the board this evening.

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Mr. Molica stated: I think for the record council you have seen what actually has been approved and your plan is amendable to that portion.

Mr. Kasolas stated: What has been approved to date on the first page, Mr. Sakellaropoulos will go line item by line item. Strip exterior siding (3 layers) to wood sheathing. Mr. Sakellaropoulos agrees to this. Repair any damage and insulate/house wrap exterior with new siding (2nd & 3rd floors). Mr. Sakellaropoulos agrees to some form of new siding.

Chairwoman McCabe stated: The issue is with what material. You request vinyl. Mr. Sakellaropoulos says yes. Remove and replace 4th floor shingles with asphalt slate replicas and repair damage.

Mr. Sakellaropoulos states: This is redundant. They have already approved replace with slate line GAF/ELK shingles in Antique Slate. Rehab the dormers and trim.

Mr. Sakellaropoulos stated: The discussion with this is the materials. As far as the outside being either wood, wood or pvc and the window in the dormer being a wood window. There is a vinyl window there currently and wood is wrapped in aluminum. My big problem is that these dormers are 40 feet in the air at its lowest point some places it is over 40 feet. They have never been touch since 1979 when the aluminum was first put on.

Mr. Ricciardo stated: You can take a piece of the brake metal off. So if you were to take a piece of the brake metal off you could always replace it with white brake metals similar to what is there.

Mr. Sakellaropoulos stated: What if it is so bad, I would want to wrap it with aluminum. That would be my last worst case scenario. If the wood is good enough to hold I will do it in pvc not in wood. It is a maintenance issue. In ten years it is going to have to be redone. Dormers keep carpenters in business.

Chairwoman McCabe stated: So the commission is requesting wood and you are requesting vinyl?

Mr. Sakellaropoulos stated: They approved pvc. But I feel that having it dictated as pvc or wood only kind of handcuffed me to possibly having a much higher cost if I find a lot of damage up there. I may want to leave it along and recover it the way it is.

Mr. Ricciardo stated: Mr. Sakellaropoulos, as a contractor you know once you take the aluminum off and find damage there you are going to replace these windows any way. You will have to repair the damage so why not reclad it in pvc?

Mr. Sakellaropoulos stated: The difference between a coil of brake metal at 70 bucks a coil I can do 5 domers with and one dormer of pvc being \$400 in trim add up 27 dormers you are talking \$15-\$20,000 just to do the dormers.

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Mr. Kasolas stated: We would also like to point out to the Board sub section 3c exempt from the historical preservation ordinance is "repair of existing roof structures such and cupolas, dormers and chimney's using the same material which not alter the exterior architectural structure." He currently has vinyl windows now and putting new vinyl windows in wouldn't alter the architectural appearance of the structure while he is repairing those structures of the dormers.

Mr. Ricciardo stated: We are not talking about the vinyl windows. The vinyl windows are separate from this discussion.

Mr. Kasolas stated: I understand but I don't think you can separate one from the other, they are all part of the dormer section of the roof.

Mr. Sakellaropoulos stated: Rehab gutter system and install new. They would like to see a half round gutter which I don't really have a problem with unless I find that this overhang which according to my father you cannot walk on it. The problem with a half round gutter is the bracket is actually a threaded bracket it is not like a regular gutter it can be hung with a bracket up under the roof line or it can be bolted all the way through. A half round gutter only has one hanger plant on one side the bracket actually holds the gutter up so it needs a much stronger base to it. To incur the cost of replacing this whole over hang to be able to hang an half round gutter off of it would be tremendous. I don't have a problem with the half round gutter as long as my structure will hold it. If my structure doesn't hold it am I going to stop the job and wait a month to come before the Board and ask for permission that is what I am afraid of.

Chairwoman McCabe stated: I think if your structure won't hold a half round it won't hold a regular gutter.

Mr. Sakellaropoulos stated: I am going to cap it and it is going to be heavy metal gauge roofing. It is different. I don't have a problem with the half round gutter, I just don't know what I am going to find up there.

Mr. Ricciardo stated: I am going back to what I stated earlier. Shouldn't you of done some more investigative work prior to coming in and asking for specific things? You saying you don't know what is underneath it you don't know the condition and there is not one spot on this building that you can't do some investigation?

Mr. Sakellaropoulos stated: I have three layers of stuff on this building.

Chairwoman McCabe stated: I feel like you are coming with a lot of what ifs.

Mr. Sakellaropoulos stated: As a contractor in a 150 year old building that has a lot of different maintenance there are a million what ifs. In new buildings a lot happens in 10 years have about 150 years?

Mr. Ricciardo stated: Don't get me wrong Jimmy I have preached that the historical regulations are far too stringent for people in the historic district to renovate their buildings. I feel there must be some compromise here. I am willing to compromise on the vinyl windows if you will compromise on the other stuff.

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Mr. Sakellaropoulos stated: I will agree to the yankee half round gutter because it is the thing on the job if I can't do it I will come back before the Board.

Mr. Ricciardo stated: I am also taking about siding here too. There has to be compromise on both sides here. We understand the economics of today and I thoroughly understand the economics of renovating a building of this size and this age and I am willing to give some way if you are willing to give the other way.

Chairwoman McCabe stated: Is there any discussion to the exposed flashing to be copper color?

Mr. Sakellaropoulos stated: Actually it was specified to be white and I don't have a problem with that. I think white will look better. Ray Storm mentioned that and I agree with him.

Chairwoman McCabe stated: It says all exposed flashing to be copper color. There is too much redundancy. Remove and replace vinyl replacement windows with vinyl architectural windows with integral trim package. Do you agree with that?

Mr. Sakellaropoulos stated: That is what I want to do but it was denied. They wanted a wood window.

Chairwoman McCabe stated: Replace fascia and freeze boards. Do you disagree with that?

Mr. Sakellaropoulos stated: I want to replace them.

Mr. Kasolas stated: Anything on this list is what he wanted to do but it was denied.

Mr. Ricciardo stated: What was your intent to replace the fascia boards with.

Mr. Sakellaropoulos stated: The fascia board is what is left and what is wrapped in aluminum. I was either going to expose them and redo them in pvc. This over hang structure is actually a yankee gutter which means that was built as an overhang and lined with tape and tar to be a gutter that you do not actually see that has been leaking for 100 years. Yankee gutters are the worst thing they have invented.

Mr. Ricciardo asked: What was your intent to pick up the flow of water that when you eliminate the yankee gutter?

Mr. Sakellaropoulos stated: The last picture I handed out that says proposed soffit detail is what I proposed it to look like. A more modern gutter system which looks like a crown molding on the outside of the gutter and cap the gutter with metal roofing and flash right into the roof line.

Chairwoman McCabe stated: We need to hear from someone from the Historic Commission.

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Mr. Sakellaropoulos stated: This was approved. On the approval sheet it was okay to cap it. The only thing we are arguing about is the half round gutter. But I can keep the half round gutters on. That is the last thing we are doing and if I have a problem I will just come back to the Board.

Chairwoman McCabe stated: There a couple of members from the Historic Commission tonight, would you be willing to testify? We have Mr. Storm here from the Historic Commission.

SWORN: Mr. Ray Storm, Co-Chair Newton Recreation Commission

Chairwoman McCabe asked: Mr. Storm, you are a contractor so you are very similar with what the applicant wants to do.

Mr. Storm stated: Can I make a statement before you ask me any questions... Our hands as Historic Commissioners are tied under the existing ordinance. If the Planning Board wants to take under consideration changing the existing ordinance than the Historic Commission would be glad to participate. All we are here is trying to do maintain the integrity of the Historic District. We are governed under CLG and vinyl siding is not a recommended or approved material. As far as these vinyl windows go, Mr. Ricciardo you know it and I know it, a vinyl replacement window you put in the existing frame. This is not a vinyl replacement window, this is new construction. The problem being over the years, I don't know how many applicants we have turned down to put vinyl windows in. We allow vinyl windows in a building that cannot be seen from the street. The Baptist Church in Newton has come to us three times. If you approve these vinyl windows here tonight, you are going to set a precedent and by doing that there will be so many applicants that will come in front of the Historic Commission and just say we want to get rid of our old run double hung windows and this whole Historic District will be filled with houses with vinyl replacement windows. Right away you are losing the whole integrity of the building. The Historic Commission ordinance was established in 1987. We all know that there is vinyl siding on a lot of buildings in this Historic District and aluminum siding that was put on prior to this ordinance taking place. It doesn't make it right but it is there. If the applicant ever came in front of us and said I want to rip my aluminum siding off and put vinyl on, you know what our answer would be, you either leave it the way it is, paint it or put wood siding or hardiboard or a cedar shake or whatever is approved. The vinyl siding is non-approved material. We are not trying to strong arm the applicant but we are tied by the ordinance. We are governed by the Department of Interior and that is the ordinance that the town of Newton elected to adopt. It should be pretty cut and dry. Mr. Ricciardo says he wants to compromise. We compromised pretty much with the applicant when he came before us. I want to go to the dormer windows when he says wood and pvc. He is misreading it. It was not wood and pvc it was wood or he could put wood up and paint it or we would let him put the pvc exterior casing around the windows. All I am asking you tonight is approve any material he is going to use before he starts the project because you even made the comment Chairwoman McCabe, there are too many ifs. He says he has a lot of water damage. Maybe the building is rotting from the inside out. He really needs to strip the whole building down. Maybe he should consider doing this project over a 4 year period. Do one side one year, one side

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the next year and so on. Maybe that is the route he has to take. If you approve the vinyl windows and the vinyl siding before he gets to it, you are setting a precedent and if that is the case than the Historic Commission should not even come in once a month because you are losing the value of the building. This building in the picture is in our lobby, maybe the renovations that took place with the restaurant were what the Historic Commission approved then. This is now; don't forget whatever they did was all wood on the street level.

SWORN: Helen LeFrois, Chairwoman of the Historic Commission

Mrs. LeFrois stated: The members of the Planning Board the reason why I did not speak was because we didn't have the official recuse but let me just reiterate some of what Mr. Storm said. The Historic Ordinance was established by the sitting council in November 9, 1987. At that point in time the sitting council upon recommendation of the Planning Board and Historic Commission went around and inventoried the properties and you may or may not know up in Kathy Citterbart's office are four volumes of every single piece of property that sits in the Historic District in the Town of Newton. It has been inventoried and logged as a property that is on the National Historic registrar and/or a contributing property not contributing property etc. The Waldmere Hotel because of its' historical significant not only in terms of architectural style but also by virtue of it being a prominent property on Spring Street and it has been designated as a contributing property. The designation of contributing property indicates by virtue of the CLG and the Historic Ordinance that the materials used and governed by the Historic District in terms of ability to change or not change come under guidance of the CLG and the Historic District and that any exterior alteration, modifications, amendments, changes, deletions, construction new in-kind or in same are going to be held to the standards of the fact that it is a contributory property number 1 and held to the standards of the CLG by which what our ordinance is derived from. In this case the Historic Commission is instructed to rule and maintain the precedent to rule that we are governed by the fact we want to maintain the historical preservation and the historical integrity of all buildings that come before the commission. Those contributing properties right or wrong are held to a little bit of a higher standard that is way they are designated contributing/non contributing properties. When they are a contributing property they held to the standard of maintaining its historical integrity as much as possible to the original stature of the building but if nothing else to the way that the structure was adopted at the time of ordinance. So in 1987 the Waldmere Hotel did in fact have aluminum siding. However, the applicant has come before us and said we want to remove the aluminum siding and replace it with vinyl siding. As Mr. Storm has indicated, vinyl siding is not an approved material under the CLG, it is not an approved material under Newton's Historic Ordinance nor it is a material that has been used in any of the properties renovations, changes, amendments as long as I have been sitting on the commission just for the fact it would set a precedent that is not approved. As you certainly know, there are materials that come along through the course of construction changes like hardiplank that has been evaluated looked at and it wasn't necessarily an approved material within the Newton Historic Commission however the CLG in the state of New Jersey has said that hardiplank is that material we deem to be able to be used on Historic properties so the commission has moved forward with several applications to

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use the hardiplank material same as in-kind with slate material roofs. We have many roofs in town that are slate and because of cost prohibitive or the inability for contractors to work on the slate or whatever the case may be slate simulated has been approved. So it certainly is not unprecedented that over time we are able to approve certain materials. However, back to what Mr. Storm said, this sitting commission is governed by the restrictions correct or incorrect the restrictions are set forth by the ordinance. At this time vinyl siding is not an approved material, CLG, Town of Newton, State of New Jersey. The vinyl windows is not a material that has been approved as it has not been approved by several applicants again is not recognized by a list of approved replacements that has been distributed to us and also as Mr. Storm had indicated there has been a lot of conversation with this application because we are very much in favor of working with applicants to make sure that while we are trying to maintain the historical integrity and the historical preservation of the town's buildings we are also very conscientious of cost and time and materials and people trying to make improvements on the building to begin with. This is something that this commission constantly struggles with. We try not to say no to any applicant because we appreciate the land owners and the property owners coming through to make their improvements, however, I respectfully request that the planning board realize the position we are in and the reason why it is declined is because A. The materials and B. the ordinance by which we are governed. I would strongly caution you by setting a precedent and thirdly, please recognize that there have been considerations made and there has been compromise made to the applicant.

Chairwoman McCabe stated: Mrs. LeFrois, let me ask you, the things that we listed were denials including some things that could probably be eliminated included stripping the exterior siding, repairing and damage and insulating with some type of a house wrap, the form of siding was under debate. We are not against you rehabbing the dormers and trim but it was the material that the Historic Commission had an issue with.

Mrs. LeFrois stated: We are fine with him removing, replacing, changing, and fixing all of that. It is the material that is in questions.

Chairwoman McCabe stated: We have already approved removed aluminum around the window dormer and replace with either wood and paint or with pvc material in white. So we can actual remove the rehab the dormers and trim because that is redundant.

Mrs. LeFrois stated: That is correct and that was a compromise.

Mr. Ricciardo asked: Is pvc historic? It is a vinyl is it not? It is one of the approved materials and what you are quoting to us.

Mrs. LeFrois stated: I don't know and do you recall why that was a consideration.

Mr. Ricciardo stated: And hardiboard which we accept too is not.

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Mrs. LeFrois stated: Hardiplank was approved not as a historic material meaning it wasn't around when the Waldmere was built but now it is an approved material.

Mr. Ricciardo stated: And so is the pvc.

Mrs. LeFrois stated: Apparently, I have not seen that in writing.

Mr. Ricciardo stated: So if you are approving pvc a vinyl material, a plastic material and you are approving the hardiboard which is not listed anywhere either so there is room for compromise.

Mrs. LeFrois stated: There is which has already been done.

Mr. Ricciardo asked: What is the difference between wood siding and hardiboard siding and wood windows and vinyl windows when you are accepting an alternate?

Mrs. LeFrois stated: And again, Mr. Ricciardo, I don't necessarily dispute the fact that he already has existing vinyl windows and certainly the planning board under their purview they would like to make that consideration an acceptable material because it would be a replacement in-kind, the only thing that I would caution you is that you are very specific in the approval saying that those are the existing windows that you will be replacing because you are going to open the flood gates of those applicants with wood windows or whatever windows out there that have come forward to ask for consideration for vinyl replacement windows.

Chairwoman McCabe stated: We have already approved cover the existing yankee gutters with aluminum or copper and install ½ round aluminum gutters with brackets and corrugated down spouts, use funnel connector to connect two downspouts so that is redundant as well. Replace fascia and freeze boards there is no issue with that as far as denial, he is allowed to replace his fascia and freeze boards?

Mrs. LeFrois stated: I think the only issue is the materials on the denial. The work itself is not denied.

Chairwoman McCabe asked: What was the issue with the materials with the replacement of fascia and freeze board?

Mr. Sakellaropoulos stated: We want to use a mixture of vinyl and aluminum. The picture that has proposed soffit detail is a pvc board underneath it. It is a vinyl mix.

Mr. Ricciardo asked: Have we ever approved fypon cornices or decorative. Have we approved that on any other structure in this town?

Mrs. LeFrois stated: Not in the Historic District while I have been sitting.

Mr. Ricciardo stated: I believe the old book store in the Historic District so the fypon shouldn't be a question because the precedent has already been set.

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Mrs. LeFrois stated: I stand corrected.

Mr. Ricciardo stated: Fypon is a composite material that is like a foam a pvc foam that is used in place of wood and it comes in very decorative molded material.

Mrs. LeFrois stated: Mr. Storm is indicating to me that was part of the original approval. Chairwoman McCabe stated: So really the only issue in the denial is the replacement is the materials used in the siding, the materials used in the soffit and the fourth floor window has already been approved with wood clad windows and the already approved is remove aluminum around the window dormer and replace with either wood and paint or with pvc material in white. So the only denial it seems to me is remove and replace vinyl replacement windows with vinyl architectural windows with integral trim package and the siding material of vinyl. Those are the only two issues were are dealing with with a denial.

Mr. Ricciardo stated: I disagree. I think we need to address them individually. Replace the fascia and freeze boards were denied because he was going to use a fypon or a different material, correct?

Chairwoman McCabe stated: So we have three issues that are under discussion. And from what I am saying Madam Chair is the materials that the applicant is requesting to use are not part of our approved ordinances in this town because we are a CLG and we have to follow the Department of the Secretary of Interior standards.

Mrs. LeFrois stated: Again on a contributing property. I gave you that background so that the planning board understands how the ordinance within the historic district has been ranked.

Chairwoman McCabe stated: And we as the planning board are also bound by the ordinance and by the standards set by the CLG and the standards set by the Department of Interior.

Mrs. LeFrois stated: Because the Town of Newton is identified CLG.

Chairwoman McCabe stated: Yes. And the Historic Commission is a board that is advisory to the planning board so we are under the same standards as you are under with regards to decisions making regarding historic commission applications.

Mrs. LeFrois stated: That is correct.

Mr. Ricciardo asked: Are those material covered under our code? Does it say anything that they are covered by the CLG?

Mr. Elvidge stated: Nothing in 20 A refers to either.

Mrs. LeFrois stated: Under the procedural guidelines the Historic Preservation Ordinance Town of Newton, NJ dated 1991 Page. 4 indicates the Town of Newton is a Certified Local Government (CLG). The CLG program administered by the Office of the

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New Jersey Heritage officers municipalities to participate in more directly in state and federal historic preservation programs. So on Page 4 it outlines the Town of Newton's status of the CLG.

Mr. Ricciardo stated: Okay but that was never incorporated into our ordinance book. So obviously some type of codification of both has to take place and until it is put in our book, we should be by our ordinances.

Mrs. LeFrois stated: Okay.

Mr. Ricciardo stated: Obviously Madam chair there is a difference of opinion here.

Mrs. LeFrois stated: I am not disagreeing with you all I am indicating is that there is probably some upgrades that can be done again under direction of the planning board if they so chose.

Mr. Molica stated: I don't see the remaining three issues in reviewing the actual ordinances state that they are not regulated by an ordinance. I don't think there is a situation here where you know there are a set of regulations that preempt your ordinance and would require you to use certain materials to address these outstanding issues. I think this board has the discretion with the Historical Commission as an advisory commission accepts or rejects the commissions' finding in this particular application.

Mr. Ricciardo asked: In total? Or can we compromise?

Mr. Molica stated: You can compromise. I think that is what we endeavored to do.

Mr. Ricciardo stated: Like I said before, I am willing to compromise on the vinyl windows, I am willing to accept plastic trim, I am willing to accept the plastic fascia and the fypon, and the soffits but I am not willing to compromise on the siding. I think it either has to be a wood or has to be a hardiboard that looks like wood.

Mr. Kasolas stated: I think the Historical Commission from what I have heard from tonight has misinterpreted the Historic Preservation Ordinance and the purpose. The purpose of the ordinance is not to reserve properties that don't fit within the mold of the image of the historical property. The purpose of the ordinance is to preserve those properties that fix within the historic ascetic look of the town. The committee wants to take this building and make it look like cira 1930.

Chairwoman McCabe stated: I do not get that impression at all.

Mr. Kasolas stated: Well I do.

Mrs. LeFrois stated if you grant the vinyl windows and you grant the aluminum siding for this particular property than you set a bad precedent. The example that Chairwoman LeFrois is sighting is where you have a property owner coming to the board for this Historical Commission that already has wood windows or already has wood siding and wants to now downgrade to a vinyl exterior or vinyl window. This is not the case in this

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instance. In this instance we already have the vinyl windows, we already have the aluminum siding and I don't see how the board will be setting any bad precedent because that is not what is going on here. We already have these material installed on this property which sounds like 20 to 30 years minimum and I think this is why this ordinance has these subsections provisions in it, these carve outs for like kind for similar or identical materials because the purpose of the ordinance is not to try and restore property to what it looked like maybe 40 or 50 years ago. It is to preserve the properties or to preserve it within a context of how it stands with respect to all other properties within that historic district. If you look at the intended purposes section of the ordinance it states to encourage beautification and privately investing. How many property owners downtown are going to reinvest the kind of money that would be asked of my client? We are talking about \$150,000 expenditure of funds just for the exterior of the building which is about 15% of the appraised value vs. 40% of \$400,000 of the exterior. I would respectfully submit to the board that this does not encourage private investment of beautification of any building in the historic preservation district in addition to recognize the important of individual historic landmarks. I think we have already had a concession from the historic commission that this is not a landmark building if anything this is a contributing building. There was a reference made to the photograph outside the hallway of this property being in that photograph out of curiosity I went and review the building in that photograph. That photograph has a building with two floors on it. This is a four floor building now. I think that example now highlights the large amount of renovations, additions, and modifications taken place with this building over the last 150 years. This is not a typical building that you have downtown in historic district or in Newton. If you look at the intent of purposes section, the purpose of the ordinance is to enhance the visual and ascetic character by continuity and interest in the town. My client's proposed to continue to give appearance to the building a newer, cleaner repaired fashion and it still fits within the mold of how the current building fits within the downtown district. If he is going be imposed with a cost prohibitive measure having to install a wood or handiplank exterior vs. a vinyl exterior when he already has the aluminum I would respectfully submit to the board that does not comport with subsection L, I or D as well as F of the intended purposes of the provision. Mr. Sakellaropoulos came here today, he openly submitted themselves to the jurisdiction of the historical commission and this planning board, never at any point in time did he make any effort to perform any renovations on his own or representatives. He has always complied with all laws of the Town of Newton and he will not be able to restore the exterior of this property if he has to install wood or hardiplank or if he has to install wood windows instead of vinyl windows. It is going to be a cost prohibitive measure to him. When you take that into account, you have to weigh the balances of what we are looking at. I am going to respectfully submit that what my client proposes fits perfectly within the historical preservation ordinance. It does not set any kind of a bad precedent. Mr. Ricciardo made a very good point. There is not consistency from the Historical Commission on the materials they are trying to impose on my client or anyone else. We have all these buildings down town that have vinyl exteriors, vinyl windows. There is carve out in the historical ordinance statute for all of the items he is looking to prepare and renovate windows, the siding, the roof structure, and the dormers. And for those reasons we submit with the budget he has in place and with the work he is looking to do, I think the board can be very rest assured that he if he is allowed to

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precede in the way he wants to, it will be a benefit to the town, it will be a benefit to the downtown district, it will set a very good example of other properties in the town that they can invest money in their properties and invest money in the Town of Newton.

Mr. Ricciardo asked: Mr. Kasolas are you stating there is no form of compromise from your client through you?

Mr. Kasolas stated: I am not saying that all. We have already heard testimony today that he has agreed to many of the things that the Historic Commission wanted him to do. On behalf that is a compromise.

Mr. Ricciardo stated: I said I was willing to compromise on some items as long as one other item was adhered to. Are you telling me there is no form of compromise with that particular item the hardiboard?

Mr. Kasolas stated: We cannot agree to the hardiboard because it is cost prohibitive. We will not be able to perform that work given the cost of the hardiboard.

Mr. Ricciardo stated: He is allowed to replace in kind; why doesn't he replace with aluminum.

Mr. Kasolas stated: He will do aluminum if that is what the board wants.

Mr. Ricciardo stated: That is not what we want.

Mr. Kasolas stated: We will do aluminum. We feel vinyl is a better product to install on the exterior. It is slightly more upscale and not only that it is similar to like kind material more importantly. We would do the hardiplank on the exterior but it is just not possible. We are taking about a \$35,000 expenditure which he has proposed to put up the vinyl siding vs. \$100,000 expenditure. That is a drastic expenditure and an expenditure that does not comport with the intended purposes of this ordinance which is to stabilize and improve property values encourage beautification and prior reinvestment to recognize the importance of the historical districts, enhance the visual ascetic characters. It is a very cost prohibitive undertaking given this building, given what it is worth and given the financial and the economic conditions of today.

Mr. Ricciardo asked: Mr. Molica, is cost something we have to consider?

Mr. Molica stated: I do not think this is a requirement.

Chairwoman McCabe stated: I think the ordinance prohibits taking cost into consideration.

Mr. Ricciardo asked: According to the ordinance it prohibits us from taking cost into consideration.

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Mr. Molica asked: I am still unclear with what is outstanding here and what the applicant has not agreed on and what the planning board still wants him to do?

Chairwoman McCabe stated: The denial has to do with the vinyl siding, the vinyl replacement windows and material for the soffit detail. Those are the three issues.

Mr. Kasolas stated: Our position on this it is simply cost prohibitive given the value of the building in relation to the cost of the work.

Chairwoman McCabe stated: I think Mr. Storm had a very good idea that perhaps things need to be done in sections, in phases rather than all at once.

Mr. Elvidge stated: I actually do not agree with that. I think it is ridiculous. I would like to say this we are the Planning Board and we are working off a Master Plan on our normal routine business. I am happy that this application is in front of us. I understand the historic commission has certain restraints and maybe we have to look at that in a lot more depth in the future. But as the Planning Board we are here for the betterment for the Town of Newton. Look up and down Spring Street, do we want some improvements on Spring Street. We can not handicap ourselves or a person that wants to make those improvements. This Historic Commission and the restraints that it has and they are dictated by that makes it so hard for the improvements that we so desire to happen on Spring Street almost impossible. In my opinion, vinyl windows are fine; you want to put vinyl siding on that's fine because it already exist. I want to see a full scale improvement. I do not want to see the front done this year, one side next year and then four years later we have a complete project. I want to see something happen to encourage other people. As far as precedent, this is not the zoning board, and the zoning board doesn't use precedent on a case by case basis and each case is valued on its own merit and there may be another person to contest what may or may not happen on the historic commission but if it reaches this point again maybe at that point you may say wood siding is what belongs on there because maybe it is ¼ of the size and it is obtainable and it is within cost. I honestly think respectfully you have to look at that. We are here not only to protect Newton, we are here to support the people that want to make those valued improvements in town and in my opinion you are going above and beyond an expectation and I don't want to see it falling short of a full renovation and without a doubt this is an improvement. It is not, on my side, a compromised improvement. I think what you are doing is a 100% valued improvement.

Mr. Ricciardo asked: Jimmy would you consider putting hardiplank on the street side only?

Mr. Sakellaropoulos stated: It could be possible.

Mr. Ricciardo stated: You would have two stories to do and the majority of the front is taken up by windows anyway.

Mr. Flaherty stated: I do have a comment and I agree with Mr. Elvidge that it is an improvement and personally I think the vinyl would be a distinct improvement over what exist now and I do not honestly have a problem with it. If he would replace everything with in kind he wouldn't be here and he would have to go to the Historical

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Commission so what he has come to us with is an improvement and the cost from our standpoint although there is nothing in here that says you have to take into count cost I think it would be reasonable of us to take into count cost and I would be in favor of what he is proposing. I like the compromise that Mr. Ricciardo proposed said of doing the front in hardiboard. I am in favor of what has been proposed here.

Mr. Russo stated: I think the vinly windows are a no brainer in-kind replacement, I think if the applicant is willing to do the soffits and Mr. Ricciardo described and I agree with Mayor Elvidge and Neil, I do not have a problem with the vinyl siding but if the applicant is willing to go a step further and do the hardiplank on the front it would be more advantageous and a better compromise for the applicant and the town.

SWORN: Karen Schulte, Historic Commission

Karen Schulte stated: If the applicant can do the hardiboard in the front with the wood windows and the sides will be vinyl, I think that will be a compromise.

Chairwoman McCabe stated: I think it was approved for remove aluminum around the window dormer and replace with either wood and paint or with pvc material in white is what was approved.

Mrs. Schulte stated: If that could be done in the front and the rest of building sides and rears that would be a compromise.

Mr. Kasolas stated: That is a very expensive undertaking. That is very expensive.

Mr. Sakellaropoulos stated: The front windows on the side of the building have fire casements and to replace them is really increasing the budget.

Mr. Ricciardo stated: Those windows are they casements?

Mr. Sakellaropoulos stated: The upper floor are fire escape windows it is a casement. The center windows are double or hoppers. The top window in the middle is a slider. The lower two windows are for fire egress those are all custom size windows and they are quite expensive. There are sixteen double hung windows and 4 fire escape windows that you adding.

Mr. Ricciardo stated: Your intent is to replace those windows with in-kind windows that meet the fire egress code?

Mr. Sakellaropoulos stated: Exactly but a newer version.

Mr. Ricciardo stated: But you have agreed to do those, the fourth floor windows with wood clad windows.

Mr. Sakellaropoulos stated: That was the Board's compromise to me. They approved that but it was not my intent. It is vinyl throughout the whole building.

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Mr. Ricciardo stated: So you do not agree with that one. We are adding to the list. You are not agreeing to wood windows anywhere?

Mr. Sakellaropoulos stated: I have 93 vinyl windows and I want to use like-kind to put them right back in.

Mr. Ricciardo stated: Okay.

Mr. Kasolas stated: I would like to note for the record that my client has agreed to do limited hardiplank on the front of the building which will be the 2nd and 3rd floor. He is willing to make that compromise to the Board per Mr. Ricciardo's request.

Mr. Ricciardo asked: And the mansard will be shingle?

Mr. Sakellaropoulos stated: Yes.

Mr. Storm stated: Myself and I am sure other historical commission members are curious to know if any future applicants that come in front of us that want a vinyl replacement window or vinyl siding in the Historic District should we refer their application to the planning board.

Mr. Ricciardo stated: If you don't want to handle it, you should.

Mr. Storm stated: Okay.

Mr. Ricciardo stated: If the Historic Commission is going to forward the applications that are questionable and they do not want to handle them, what do we need the historic commission for?

Mr. Elvidge stated: What we said earlier is that the replacement of vinyl is in-kind but we did not say that replacing wood with vinyl would be okay. We didn't say any vinyl application that includes wood and are asking to replace with vinyl we would approve.

Mr. Ricciardo stated: He is going to replace the front in hardiboard and we are going to compromise on the side being vinyl as the Historic Commission has done in other instances, where they have allowed them to put wood windows in the front and vinyl on the side.

Chairwoman McCabe opened this portion up to the public.

With no questions from the public, Chairwoman McCabe closed this portion of the meeting.

Mr. Ricciardo stated: The compromise is that he is going to put hardi board plank on the 2nd and 3rd floor on the front of the building and he is going to put vinyl siding on the rest of the building. He is going to use a pvc trim material fascia. He is going to use a typon decorative cornice material and use a half round gutter and is going to replace the existing vinyl windows with in-kind vinyl windows.

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Mr. Ricciardo made a motion to approve the resolution based on the four compromises. Mr. Russo seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo

Abstained: Chairwoman McCabe

Recused: Mr. LeFrois

WAIVER OF SITE PLAN

#PB-01-2010-Embarq/Centry Link

Property Location: 13 Adams Street

Block: 711 Lot: 34

Carried from April 29, 2010 meeting

Applicant requesting to install a concrete pad for an above ground 2,000 gallon fuel storage tank for a generator which currently is located in the basement level of the building. The storage tank will be completely screen by new landscaping as shown on enclosed plans.

John W. Thatcher, Esq. representing Embarq/ Century Link.

This is a continuation of the April 19th meeting. We are here because Century Link has a generator in the basement of the building on Newton Street and serviced by 275 gallons is in the basement area. The generator there runs the facility; applies phone service, cable service and what have you to citizens in case there is a power failure. On the theory 275 gallons is not enough in case there is a major problem. What they want to do is install a 2,000 gallon tank. That will go on the outside of the building with the 275 gallon tank which is presently inside will be removed. The last time we were here, the Board had several questions. They also suggested a site inspection by the Board's engineers. As you know a report was filed by James Gagnon, from Drill Construction and he responded I believe to all the questions that were raised. The engineer also did a site inspection and submitted a report to the Board dated May, 18, 2010. I also believe is self explanatory. With me tonight is James Gagnon, Senior Project Manager with Drill Construction. He submitted the report to the Board and he will be the individual who will be fully in charged with this construction at Century Link building. He is fully familiar with the application. I will ask him a few questions regarding why the tank is needs to be relocation from the interior to exterior. As far as that I will let the Board ask questions because everything you received is our application. Secondly I have Melvin Connelly with me. He is the Century Link Safety Manager. He has been with Century and companies prior to Century for over 30 years. He is also in a position to answer whatever questions you may have. I just want to note, Oil is in the news now and it is a safety concern. This company is prioritizing what they are installing is top of the line.

SWORN: James Gagnon, Drill Construction

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Mr. Thatcher asked: Who is your employer?

Mr. Gagnon stated: Drill Construction, West Orange, New Jersey.

Mr. Thatcher asked: What does Drill do?

Mr. Gagnon stated: Drill is a general contractor and we build commercial building and we do a substantial amount of telecommunication work.

Mr. Thatcher asked: Are you the company that will be in charge of the construction here?

Mr. Gagnon stated: I am the person who will be in charge of it.

Mr. Thatcher asked: You will be here in Newton doing the work?

Mr. Gagnon stated: I will be here in Newton supervising the work.

Mr. Thatcher asked: The last time we met, I know you were not here, but the question was asked as to whether or not the tank could be located inside? Did we look into this before tonight?

Mr. Gagnon stated: I met Mr. Simmons on site along with my crane operator and our rigger and physically we could get the tank into the basement. We would have to remove a section of the basement wall, lower the tank in and rebuild the wall.

Mr. Thatcher asked: In other words it is possible?

Mr. Gagnon stated: Yes.

Mr. Thatcher asked: That is not your intent correct?

Mr. Gagnon stated: No.

Mr. Thatcher asked: Why is that?

Mr. Gagnon stated: In discussion with Mr. Simmons and discussion with the prior official of the Town of Newton and Factory Mutual Insurance Company.

Mr. Thatcher stated: Factory Mutual is the insurance carrier for Century Link.

Mr. Gagnon stated: They are all in agreement because the basement only has one egress. They don't want a 2,000 gallon fuel in the basement. What we are proposing is to bring it down to 50 gallons of fuel in the basement and 2,000 gallons of fuel outside. I asked the fire marshal directly and I said you have to pass the generator to get outside and get in that little enclosure and climb the steel fence to get out. The fire marshal said the more you talk I don't want this fuel tank in the basement.

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Mr. Ricciardo stated: I don't believe that was my question. My question was not can you put this tank in the basement, my question was can you put a series of smaller tanks in the basement that would work?

Mr. Gagnon stated: Yes you can, however, for the same reasons that nobody else wants more fuel in the basement either does Factory Mutual and Century Link.

Mr. Ricciardo asked: Do you have letter from Factory Mutual indicating that they have recommended against this?

Mr. Gagnon stated: We have a letter from Factory Mutual that recommends that they go through a lot of additional encasement of the 275 that is there and not to exceed it. I have a letter from Joe Inga and he asked me the same questions and because of the structure of the tank, because of the way the tank is constructed, he recommended and there is an agreement from us that the tank belongs outside.

Mr. Ricciardo asked: We are talking about the big tank again?

Mr. Gagnon stated: We are talking about 2,000 gallons of fuel no matter how many tanks you divide it.

Mr. Ricciardo asked: Do we have anything from Mr. Inga that says he recommends that?

Chairwoman McCabe stated: I am a little confused because Mr. Simmons' letter dated May 18, 2010 says based on my inspection of the basement interior of the subject building and discussion with representatives of Century Link and Drill Construction, I understand the proposed 2,000 gallon storage tank will be used to store diesel fuel for the existing generator located in the basement. Chairwoman says, "The generator in the basement, not the tank itself, I was confused." Thank you.

Mr. Gagnon stated: The 275 tank will run the generator for a period of five to six hours depending on the load on the generator. That site is not a 24/7 site meaning there is not always manpower on site. So the reaction time by the time generator runs dry to the time that the 48 volt batteries that run that site run dead, it is probably another hour and at that time you lose all your phone and cable. Because of the importance of that site and an identical site in Clinton, Century Link is trying to prevent that by putting a 2,000 gallon tank which will run the generator for almost 48 hours which will give the fuel company time to respond.

Chairwoman McCabe stated: On Mr. Simmons' report he says it is recommended that the diesel fuel supply in the basement be minimal.

Mr. Gagnon stated: And that is based on the 50 gallon day tank.

Mr. Ricciardo stated: It also says I have been advised however by representatives of Drill and Factory Mutual has inspected the subject property and recommended that the diesel fuel supply in the basement be minimized. I am asking for a copy of that

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letter from Factory Mutual that they do not want it in the basement for insurance purposes.

Mr. Gagnon stated: He can provide that copy. I guess I am questioning why your fire marshal's advice wouldn't supersede that.

Mr. Ricciardo stated: I don't have anything in writing from my fire marshal.

Mr. Gagnon stated: What is the reason that you would be adverse to having the fuel tank outside?

Mr. Ricciardo stated: I think it is a master fuel tank and I am afraid of a spill of some kind.

Mr. Gagnon stated: The fuel tank is the state of the art fuel tank. It is a tripled walled fuel tank.

Mr. Ricciardo stated: Triple walled with some type of foam that will soak up the fuel.

Mr. Gagnon stated: John Bell misspoke with he brought that up last time. The concrete does not absorb the fuel. The concrete provides is an additional layer of fuel retention than there is an outside steel wall in between the two steel walls there are quarts that are drilled into the concrete for which there will be electric monitors that if the interior tank should rupture which is holding the fuel it will alert that electric monitor and at that point they will be in a position where they have to replace the tank. The tank is rated to within stand bullet proof and automotive proof and in talking with Joe Inga, Joe said even though you are putting it up on that knoll above the curb he recommends I put bollards around it. That is no problem. It is a very common thing. I would like to put the bollards within the arborvitaes so that it doesn't look like some utilitarian look. There is also a concession made to where the tank went from a flat pad design to a retention design. That is perfectly normal in the installation of these tanks. As a matter of fact it would have been awkward for it to be onto a single flat pad. Along with that flat pad there is going to be a floor drain and bulb valve in the event it fills with rain water, they are able to release the rain water onto their lawn. In the event there is a leak spillage of fuel it will be picked up by the interstitial sensors. Before any fuel could ever exit that tank it would be picked up on their automated building system. In addition to that there is a five gallon spill basin built into the top of the tank. If you look at the photographs it is the rectangular box for which the fuel person has to lift up that box and if he should happen to lose grip of his fuel nozzle there is a five gallon retention basin which then re drains back into the tank so he does not make a spill problem. In addition to that there will be high and low level alarms. There will be an audible alarm that when the tank is fuel, it will ring that it is full. The building is monitored 24/7 by building automated system at a knock. A knock is an offsite 24/7 manned facility that monitors all of the sites that Embarq/Century Link now owns. We are very familiar with this building because we did work on the building many times when it was a Sprint Site and Sprint always had this idea of increasing their tanks which we are currently do quite a bit of. One of the other problems with having the tank in the basement is it is required to have additional four hour fire proof structure around it plus sprinklers and additional fire items. All those things would be negated and would

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be outside and if the tank ever did leak it would be better than it leaks into their front lawn than into a basement which currently has a 2,000 amp switch into which in fact when it arches would ignite the fuel in the basement by the vapors being gathered. It is very common that we put outside. Any kind of shrubbery or diffusion that the Board can recommend we would be willing to do even if it meant building a block wall to match the side of the building. The big thing is to get the tank out of the basement.

Chairwoman McCabe asked: I see your slab is going to have 12 inch by 8 inch thick containment walls.

Mr. Gagnon stated: Yes it is. That is what was asked for by one of the Board members. I may actually be higher than that because I have to calculate the gallon age so that it will hold the 2,000 gallons. It is usually 18 inches high for a pad that big. So the containment will be able to contain the entire amount of fuel in the tank should it ever rupture. We have installed 50 of these tanks some inside the buildings and some outside buildings mostly outside buildings. The reasons why they are inside the buildings are like 60 Hudson Street, NYC, or the 10-25 Connecticut Avenue, Washington, DC is because there is no outside.

Mr. Thatcher stated: Could you explain what this day tank does so they can understand if there is any fuel in the basement at all.

Mr. Gagnon stated: Currently the generator has a fuel tank which is located 10 feet from it. The fuel pump which is on the side of the generator like regular motor is capable of pumping fuel horizontally 10 feet. The generator does not have the capability to pump fuel out of the top of the tank when it is 15 feet above it in elevation. So the day tank has a much larger fuel pump built into it. It also has a return pump built into it. In the day tank are three monitors. A high level monitor, a low level monitor and a continuous run monitor as if there was a leak. There also is an interstitial tank and a double wall tank containment basin in the day tank. So the interior tank is a 50 gallon tank around it is another structure that has a flood alarm in it that if any fuel ever got out of the day tank via a connection on the pump and/or a leak in the inner tank of the day tank it would be monitored and then shut down the day tank's pump and it would shut down the generator and set off an alarm to the knock therefore there would be immediate response. Currently now of those things are done right now at that facility. The only thing the facility has is a 275 gallon tank within a box. It is a box that would contain the fuel but there is nothing that would tell anybody anywhere that that fuel is leaking out. We have done our due diligence on that all things said it is not a matter of can it go in the basement absolutely we can put it in the basement but is it safer outside absolutely.

Mr. Ricciardo asked: Is this a used tank?

Mr. Gagnon stated: It is a 10 year old tank. It was at a Sprint facility in Woburn, MA. It is still certified. It is UL listed and it is the highest grade tank you can buy.

Mr. Ricciardo asked: When was it last certified?

Mr. Gagnon stated: When it was installed. It does not require yearly certifications.

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Chairwoman McCabe asked: What is the life of the tank?

Mr. Gagnon stated: 50 years. Because it is contained with fuel oil it is not like a regular tank. It is a grounded tank therefore it does not create rust, it doesn't have a frozen problem.

Chairwoman McCabe asked: So you keep it full at all times?

Mr. Gagnon stated: The telecommunication companies keep those mostly full. I wouldn't say they are always full. To answer that question you cannot even fill it all the way because you are supposed to allow for 10% of expansion of the fuel. It is not a matter of whether or not is it filled it is a matter of whether is it properly installed. Secondly, the Board asked that the piping that goes from the tank to the day tank be a double walled container piping. That is a normal thing that we do. We use a scheduled 10 steel pipe on the outside. We use a schedule 40 pipe on the inside. The inside of the outside pipe also has a leak detection system built into it so that if any pipes were to rupture the outside pipe would capture that and also notify that the site that that has happened. We install these tank and the generator systems and along with the building. They cannot buy a better system at this point.

Mr. Ricciardo asked: What is the weight of this tank when it is full?

Mr. Gagnon stated: Well if it holds 2,000 gallons x 8 that is 16,000. It is currently 11,600 and it roughly 27,000 lbs.

Chairwoman McCabe asked: The light outside will be raised?

Mr. Gagnon stated: As a matter of fact when I walked with Mr. Simmons I said it is almost likely that this light will shadow that sidewalk because the arborvitaes go to a height 12 feet and that light is 12 feet high so what I recommend is that we raise that light and we use an external conduit and turn the corner and put a second light on the opposite wall so this way there is plenty of light.

Chairwoman McCabe asked: And this was reviewed with Mr. Inga.

Mr. Gagnon stated: Yes. We had a conversation that it should be outside the building.
Chairwoman McCabe asked: He reviewed the distance between the storage tank and the building to make sure that was adequate?

Mr. Gagnon stated: Being there is a four hour rated wall there is no space limitations how close you can put this to the building. You can physically touch the building with this tank. We are going to keep it to service ability with a width around it. There will be a walkway between the pad and the building so there will be maintenance ability and then there will be a space between the edge of the pad and the material wall and the tank so it will probably end up being four or five feet away from the building.

Chairwoman McCabe asked: You reviewed Mr. Simmons' report?

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Mr. Thatcher stated: Yes I did.

Chairwoman McCabe asked: And you are in agreement with all the miscellaneous comments he had and approvals required?

Mr. Thatcher stated: I believe so yes.

Mr. Gagnon stated: I was in Albany today and I did not see this report. We have to do a normal planning after this. There will be requirements of correct architectural rendering of the pad. There will be a zoning application that we need to make as far as providing a plot plan so that there can be survey of the property with the file. At the end of the product we will provide you with an as-built drawing so that they will be fully aware of what is there. Plus on top of that the fire marshal will have, there is a knock box on the face of the building at this point and there is an epo (emergency power off) inside near the fire alarm control panel. So in the event he has to enter that building and he knows that generator is running, he opens up the front door and pushes the bottom, the fuel pumps stop, the generator stops and he can enter the building safely. And all those things will have to come through a standard permit filing so that the building department can do its proper reviews and the fire marshal can do his proper review. The purpose of the meeting tonight is to get the tank outside.

Mr. Ricciardo asked: You mentioned that the existing tank will run for five hours based on the load of the building, is there any alarm system that can connect into the existing tank that would indicate that the generator is running?

Mr. Gagnon stated: I do not believe there is. The generator is running there is not an alarm system there is a notification that the generator started at the knock. I don't believe that the sophistication level of the control package that it has currently has the ability to operate that generator from the knock. It only has an enunciator telling it that the generator is running.

Mr. Ricciardo asked: Once the generator starts to run would it take you five hours to get a fuel tank and fuel truck here?

Mr. Gagnon stated: I do not know the answer to that. Depending on the weather, it could take longer.

Mr. Ricciardo stated: We have all these waivers here.

Mr. Gagnon stated: I do not understand all these waivers other than the fact that most of the items that are in those waivers would have to be addressed at the time of proper filing. We have not even got to the point of filing this job yet.

Chairwoman McCabe asked: Mr. Molica, the checklist looks like a list that the applicant would have to provide in a normal site plan and because we are asking for a waiver of site plan than we are asking for a waiver of all these requirements. Is that correct?

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Mr. Molica stated: Waived because waiver of site plan no COAH fees.

Chairman McCabe opened this portion of the meeting up to the public.

With no one coming forward from the public, this portion of the meeting is closed.

Mr. LeFrois made a motion for a site plan waiver for the applicant which includes all of the items in Mr. Simmons' checklist 2A, a waiver from those criteria. Mr. Russo seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. LeFrois and Chairwoman McCabe

HPC- 04-2010 Embarq/Centry Link

Property Location: 13 Adams Street

Block: 711 Lot: 34

Recommendation from the Historic Commission April 19, 2020 for installation of a concrete pad for an above ground 2,000 gallon fuel storage tank. The fuel storage will be completely screened by the new landscaping of Boxwood Hedge as per plans submitted.

Mr. Ricciardo made a motion to approve the resolution and Mr. Russo seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. LeFrois, Chairwoman McCabe

DISCUSSION

Debra Millikin stated: Jessica Caldwell will be at the next meeting to present the repetition to COAH for our 3rd round. There will be a public hearing on that. On Friday, May 14, we got five boxes delivered from Thorlabs. They are scheduled to come in on June 16, 2010. Mr. Molica said about the economic stimulus requirement that approval need be in placed by July 1st. I think time is of the essence so if we do not get done with that meeting on June 16, the Board will have to give us another date that we can carry that meeting to.

Mr. Ricciardo stated: June 17.

Chairwoman McCabe stated: Let's work through the night until it is done.

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ADJOURNMENT

Mr. Ricciardo made a motion to adjourn the meeting. Mr. Flahery seconded the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 9:30 pm. The next regular scheduled meeting will be held on June 16, 2010 at 7:00 pm in the Council Chambers of the Municipal Building.

Respectfully submitted,

Katherine Citterbart
Planning Board Secretary

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EXHIBITS

Exhibit A1- Photographs of the current property of Sakel-Grapsas Inc./Waldmere Hotel showing what is currently there dated May 19, 2010.

Exhibit A2- Historic pictures of Waldmere Hotel dated May 19, 2010.