



**MINUTES OF THE REGULAR SESSION OF THE  
HISTORIC DISTRICT COMMISSION OF THE CITY OF ANN ARBOR  
Thursday, June 10, 2010.**

**Commissioners Present:** Sarah Wallace, Patrick McCauley, Robert White, Ellen Ramsburgh, Lesa Rozmarek and Diane Giannola (6)

**Commissioners Absent:** Kristina Glusac (1)

**Staff Present:** Jill Thacher, Planner and Historic District Coordinator (1)

**CALL TO ORDER:** Chair Wallace called the Regular Session to order at 7:01 p.m.

**ROLL CALL:** Quorum satisfied.

**APPROVAL OF THE AGENDA:** The Agenda was approved as presented.

**A - HEARINGS**

**A-1 HDC10-060 – 315 E LIBERTY - ELHD**

**BACKGROUND:** This two-story Queen Anne residential building was built in 1890 and was the home of grocer William F. Stimson. It features wood one-over-one windows with small colored squares of stained glass outlining the clear glass on many of the upper sashes.

In 2004 and 2005, certificates of appropriateness were issued to alter the front façade, install a sidelight next to the front door, build a new front porch, and replace siding on the structure.

In 2008, a certificate of appropriateness was issued to add an enclosed rear three-story stairway and install two egress windows on the east elevation.

**LOCATION:** North side of East Liberty Street, between South Fifth Avenue and Division Street.

**APPLICATION:** The applicant seeks HDC approval to install three new 12" by 72" signs on the front porch roof

**STAFF FINDINGS:**

1. The signs would be hung from the interior side of the porch entablature. The sign panels would be aluminum bonded to a solid core, 1/8" total thickness, with flat vinyl lettering. The temporary signage on the front bay window would be removed. The design and size of the signs are appropriate to advertise the business within without negatively impacting the residential character of the house.
2. The proposed signs are compatible in exterior design, arrangement, texture, material and relationship to the remainder of the building and surrounding area and meets *The Secretary of the Interior's Standards for Rehabilitation*, in particular standards 2 and 9.

**Owner, Address:** Vahan Basmajian, 315 E Liberty, A2, MI 48103

52 **Applicant:** Michigan Signs, Inc, 4101 Jackson Road, A2, MI 48104

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54 **Review Committee:** Commissioners and visited the site.

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56 Commissioner Ramsburgh – The staff report is complete and the proposed changes will not have  
57 an adverse effect on the property.

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59 Commissioner White – Concurs with Commissioner Ramsburgh

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61 **Applicant Presentation:** Mr. Harold Braun of Michigan Signs was present to speak on behalf of  
62 the application. He offered to show the Commission samples of materials to be used and stated  
63 that the sign is appropriate and suits the customers needs.

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65 **Questions of the Applicant by the Commission:** None.

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67 **Audience Participation:** None.

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69 **Discussion by the Commission:**

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71 **MOTION**

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73 Moved by Commissioner Ramsburgh, Seconded by Commissioner White, “**That the**  
74 **Commission approve the application at 315 East Liberty Street, a contributing**  
75 **property in the Liberty Street Historic Block, to install three 12 inch by 72 inch signs,**  
76 **as proposed. The work is compatible in exterior design, arrangement, texture,**  
77 **material and relationship to the rest of the building and the surrounding area and**  
78 **meets *The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for***  
79 ***Rehabilitating Historic Buildings*, in particular standards 2 and 9 and the storefront**  
80 **and site guidelines.**

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82 **On a Voice Vote – MOTION PASSED – *UNANIMOUS (Application Approved)***

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85 **A-2 HDC10-061 – 241-251 MULHOLLAND - OWSHD**

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87 **Staff Presentation:** Jill Thacher presented a Powerpoint presentation with photographs and  
88 described the following background, location, proposed work, and staff findings:

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90 **BACKGROUND:** In 1924 the City of Ann Arbor Water Department constructed this brick structure  
91 as work space and offices. It was built on the site of Pumping Station No. 2, a wood building that  
92 housed steam engines that pumped water into city lines. The city sold the building in 1960 to the  
93 Ann Arbor Civic Theater. In 1974 a gable roof replaced the original flat roof, and in 1983 the  
94 building was converted into six residential units.

95  
96 In 1999, the installation of trim around the windows on the north elevation received a certificate of  
97 appropriateness. In October of 2008, an HDC staff approval was granted to allow repair of the  
98 non-original windows and muntins with aluminum thermopane windows in the same configuration.

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100 **LOCATION:** East side of Mulholland Street, south of West Washington and north of West Liberty.

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102 **APPLICATION:** The applicant seeks HDC approval to remove muntins from windows on the  
103 west, south, and east elevations.

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**STAFF FINDINGS:**

1. The applicant is applying on behalf of the condominium association. The current windows were installed in 1983 as part of the condo conversion. In November, 2008, substantial repair work was begun on the windows, including removal of the wood muntins that were applied to the exterior of the windows on the west, south, and east elevations. (The north elevation has a very different and more modern appearance.) In 2009, a member of the condominium association inquired to staff about whether it would be acceptable to leave off the applied muntins, since several residents preferred the windows without them because they felt it let in more light. The windows are not original; nevertheless, staff did not feel comfortable issuing a staff approval for this work, and said that the HDC would need to review the windows to make a determination about whether the removal of the muntins would be appropriate.
2. The *Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings* pertaining to windows clearly state that replacement windows should have the same pane configuration as the originals. The original building had similar many-paned windows, and the replacements with the applied muntins convey that character. Without the applied muntins, the windows appear much more modern and less like the originals.
3. It is staff's opinion that the proposed removal of the muntins is not compatible in exterior design, arrangement, and relationship to the remainder of the building and surrounding area and does not meet *The Secretary of the Interior's Standards for Rehabilitation*, in particular standards 1, 2 and 9.

**Owner/Address:** Pumping Station No.2 Condo Assoc., 241-251 Mulholland St., A2, MI 48103

**Applicant:** Janice Milhem, 243 Mulholland St., A2, MI 48103

**Review Committee:** Commissioners Ramsburgh and White visited the site.

Commissioner Ramsburgh - This was an interesting site visit. The staff report is extremely complete, and in addition to that report, we had the opportunity to see a remarkable historical mural of the transition of this building from its earliest time through its history in the beginning as a pumping station, then its use by the civic theater, and then its conversion into condominiums. It is a very nice building and each of its uses has been a vital part of this neighborhood. I am anxious to hear the discussion. I think Jill's report is so very complete that it will lead us to discussing the implications of retaining or not retaining the muntins, and I'll hold my comments about that until we have a chance to discuss it.

Commissioner White – I agree with Commissioner Ramsburgh and await the discussion.

**Applicant Presentation:** Janice Milhem (representing the Condo Association) was present to speak on behalf of the application.

Janice Milhem - I want to thank the Commission for the gracious award that you gave our whole street for the preservation committee. I think that's a great honor and we want to do the right thing for our neighborhood in general. I also mentioned to Jill that I was glad that you have a Commission here because prior to moving to Ann Arbor I looked in Pleasant Ridge and saw so

155 many bad additions on homes that it was just horrendous and I wish that they had been a little  
156 more careful in granting certain things.

157

158 I am here representing four of the six condo owners. I know that Van is here on behalf of himself  
159 and the other owner. At our association meetings we have a vote on almost everything. We had  
160 a vote that we would have the muntins up.

161

162 We repaired the windows in November, and we were in the dark for almost a month during that  
163 time as we had the windows boarded up. After the window repair was finished and the boards  
164 were removed, we spent another four months with this incredible light. And we really liked the  
165 fact that we could look through them. I was reading up on muntins the other day and when  
166 Thoreau wrote the book Walden, he noted that he was looking through windows that had the  
167 muntins – or what they call “true divided lights” - because the windows were small and they hadn’t  
168 been invented yet. So it’s ironic now that we can see less now through the muntins than without  
169 them.

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171 But most importantly we’re not here because it’s great from the inside. But on the outside, if you  
172 look at all the history behind this building, it has been changed significantly. It had a flat roof that  
173 is now a gabled roof. We have turned it into residential units. One of the pictures that I saw in  
174 Van’s hallway is of people sitting in the Civic Theatre, and they had the nice, glass, real industrial  
175 windows that were opened, which was great. We replaced them with the storefront windows that  
176 have applied muntins.

177

178 One of the owners who isn’t here, Carolyn Constant, is a professor of architecture at the  
179 University. She wrote the following, which I read:

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181 *“As an architect, I have long felt that true divided lights were the only way to be true to the historic*  
182 *appearance of our building, but as you’re aware, the owners are in favor of applied muntins.*  
183 *Applied external muntins simply do not look historical. Other changes in the building over the*  
184 *years have also depleted its historic appearance. These include the rear façade, the lights that*  
185 *are not in keeping with the historical elements, and the fences outside each of our units.”*

186

187 One of the things that I brought up on Monday is that now that we don’t have the muntins, the  
188 windows match from the north side with the south, east and west because they all look uniform.  
189 This is our case at this point, and most of all, all the changes that have been made, why is this an  
190 issue, given now that we have one more ‘look’ that we’re incorporating into our condo units.

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192 **Questions of the Applicant by the Commission:** None.

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194 **Audience Participation:**

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196 1. Van Harrison, 245 Mulholland Street, A2, MI 48103 – I’m one of the occupants of the  
197 condos. It has been a matter of some discussion because we all understand each  
198 others’ viewpoints. We’re falling to each side of how much effort should be made to  
199 retain the historical appearance of the building - as the governmental regulations state  
200 the muntins are an architectural element that is relevant to maintenance of the  
201 historical appearance. I’ve taken great interest in the history of the building and prefer  
202 to maintain the appearance to the extent it can be done.

203

204 I’ve worked with staff and the Commission in the past years and they have helped get  
205 the building designated as an Ann Arbor Historic Building and helped me put together  
206 the history of the building and I wanted to thank you all for that. I appreciated the

207 commendation the Commission gave me for that in 1991. We are very proud of  
208 Mulholland Street and believe that our building adds significantly to the sense of the  
209 history and period. I wanted to point out a minor technicality: the muntins are only  
210 applied to the outside - they are freestanding to the outside and not the interior - so  
211 they just sit in place there.

212  
213 Commissioner Ramsburgh – (to Mr. Harrison) Are you in favor of reapplying the muntins?  
214

215 Mr. Harrison – Yes. That will help maintain the historic appearance. We have gone back and  
216 forth. I agree that there have been so many changes. The point is at what point do you stop  
217 making changes to maintain the historic appearance.

218  
219 J. Thacher – I should also mention that there was an email from one of the owners that was a  
220 public comment on this case. I forwarded it to the Commission.

221  
222 Unknown – A member of the public inquired about the contents of the email.  
223

224 J. Thacher – I'm sorry I didn't bring it.  
225

226 Commissioner Ramsburgh - Was it from a Mr. Pender? One of the owners?  
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228 Unknown – A member of the public asked if this was public information.  
229

230 J. Thacher – Yes. I can get you a copy if you wish.  
231

232 Commissioner White – Was he for or against?  
233

234 J. Thacher – He wanted the muntins back on. It was a very short letter.  
235

236 Commissioner White – I'm confused. This is an application to remove the applied muntins, but  
237 they don't currently have muntins on them?  
238

239 J. Thacher – They are asking permission to leave them off. They took the muntins off to do the  
240 window repair and should have reapplied them when the repair was done, as the muntins were a  
241 part of the window, but they have never reapplied them and the application is now to leave the  
242 muntins off.  
243

244 Another member of the public asked to speak, and Commissioner Wallace allowed it.  
245

- 246 2. Mr. Jack Wallace, 241 Mulholland, A2, MI 48103 – My wife and I moved into the Pump  
247 Station in 2000. Just to clarify, it isn't that we didn't want to put the muntins back on, but  
248 we couldn't put them back on. The window frames needed to be painted and they  
249 couldn't be painted until spring. This was not something that we wanted to say 'no, we  
250 aren't going to do it and we're going to wait until the Commission forces us into it.'

251  
252 hey're all broken. All the muntins are gone. When they were taken down several of  
253 them were broken. We decided we were going to do something different. We were  
254 either going to have more substantial muntins or we weren't going to have them. This is  
255 what we have been trying to balance for the last six months.  
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257 Commissioner White – The muntins that you had were in disrepair and you want to get some new  
258 muntins? Is that what you're asking to do?

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Commissioner Wallace – They needed to repair the trim and the so muntins were removed. Now it seems some residents are in favor of replacing the muntins and others are in favor of leaving them off. But leaving them off would require approval from the Commission because that would be significantly altering what had been there previously. Since the old ones are gone, they would need to create new ones to put back up.

Van Harrison – What Jack said is fundamentally correct. Technically, I want you to know that we got staff approval to repair the windows and to replace the muntins with a similar appearing muntin. Now the request is to not replace the muntins, which was a condition of a previous approval. That's why now you have to approve this.

### **Discussion by the Commission:**

Commissioner Wallace – I am hugely in favor of incorporating the history of changes that a building has gone through as the story of the entire building. But there is a point at which the building may stop resembling what it was historically, and I think that this is a great example – that while being changed enough to have a very viable modern application, still retains some of that character from its old industrial uses. Before I was a member of this Commission, before I studied historic preservation, I used to drive down Mullholland and I knew that building used to be an industrial building, pretty much only because of those windows. It screams industrial use to me. That is one of those important features to retain. There is strong language in the guidelines about muntins and the configuration of the windows that I think is important to consider.

Commissioner Giannola – If someone came in with an original window that was deteriorated beyond repair and we allowed them to replace it, wouldn't we insist they not put the muntins back on, but instead have a clear pane?

J. Thacher – No. We would have them fill out the window worksheet in order to make it match as closely as possible to the original window that was removed. So that in appearance it stayed the same as the original.

Commissioner Giannola – I thought previously we didn't allow them to put muntins on.

J. Thacher – No, we pretty much insist on it.

Commissioner Wallace – I think the type of muntin is important. At my house we have those muntins that are in between the panes and there's no raised area and the shadow lines are affected – that's not necessarily appropriate in a historic building. Whereas muntins that mimic the same sightlines as the previous ones would be appropriate. Does that clarify?

Commissioner Giannola – Maybe it's the applied muntins versus the split panes.

J. Thacher – We have had people ask for muntins when they had no record of having muntins on their historic building, in which case we usually don't allow it unless they come up with some documentation that the house used to have muntins originally.

Commissioner Giannola – I guess I'm just remembering something different.

Commissioner Rozmarek – I disagree with the staff report and denial of this application. The replacements installed in the 1980s are not compatible with the exterior design, arrangement, and relationship to the rest of the building – they're not even close to the original windows. The

311 original windows appear to be a triple-hung steel frame window that have a very unusual  
312 patterning to them – you can see that they are broken into three different segments. The muntins  
313 design from the 1980s is not even close.

314

315 I think adding the muntins to the replacement windows further falsifies the history of this building.  
316 I did drive by this building this evening and I think that if we allow the muntins to go back on,  
317 we're further supporting falsification of history. You can definitely tell that the modern windows  
318 are new and they have added door openings, which significantly alters the window openings. In  
319 this case, had they actually done a window replacement in the 1983 that looked similar to what  
320 they replaced, I would be in support of putting the muntins back on. In this case, since they  
321 botched the job in the 1980's, to put something back that doesn't even look close to the original is  
322 not what the *Secretary of the Interior Standards* are about.

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324 J. Thacher (to L. Rozmarek) – If they were to replace the muntins with something more closely  
325 matching the original muntins, would you be in favor of that?

326

327 Commissioner Rozmarek – Do we have a blow-up before and after? The proportions are a little  
328 off with the main mullion. That would require further study, as they would have to alter the frames  
329 to make muntins that look like that, and in that case you would want them on the inside as well to  
330 make them look more accurate. As it stands right now, I can't support the denial of this  
331 application.

332

333 Commissioner McCauley – It would be almost impossible to replicate the windows exactly the  
334 way they were, but to me, the false muntins on the exterior of the building offer a closer  
335 appearance to what was there, and I don't think that it confuses the historical record. Anybody  
336 who knows what they're doing or who knows about architecture would not be necessarily  
337 confused by that. I feel that it does convey the sense of an industrial building, as Commissioner  
338 Wallace said, and it does add to the character of the building to have the muntins put back on.

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340 Commissioner Wallace – I would far prefer a true divided light with the center portion operational,  
341 as it used to be, but unfortunately we've lost them. So I agree with Commissioner McCauley that  
342 this more closely estimates that as opposed to the clear pane, but I agree that it doesn't look like  
343 what they did in the 1980s.

344

345 Commissioner Rozmarek – Our personal preference we have to set aside. We're looking at the  
346 standards and interpreting the standards, and these window muntins should have never been  
347 allowed to be put up in this configuration. You can very closely replicate a steel window in an  
348 aluminum window. The Lansing Board of Water and Light have recently replaced their steel  
349 windows with aluminum and they look fantastic and closely match the original steel windows. If  
350 they were doing a full window replacement, it might be appropriate to have the muntin, but with  
351 the addition of the door and altering of that geometry, in interpreting the standards, leaving the  
352 muntins off is the appropriate course of action in regard to the history of the structure. We can  
353 see that it was an industrial building. There are the large window openings with the vertical  
354 divisions still remaining in the window, however it will always look slightly off if we allow that  
355 muntin configuration to go back on.

356

357 Commissioner Giannola – I agree with Commission Rozmarek. The windows are not original. It  
358 would be a different case if they were original. If you reapply the muntins, it doesn't follow the  
359 standards. I think it actually looks better in there – my personal preference – but if you read the  
360 standards, it doesn't follow the history of the building. It leads you to a different conclusion than  
361 the history of this specific building.

362

363 Commissioner Wallace – I see that point, but I’m looking at this in a different light. When the  
364 standards speak about the muntin configuration, even though unfortunately what happened in the  
365 1980s can’t be changed, the fact that those muntins are in there, even though they’re not the  
366 same, just the fact of their presence speaks to the configuration that’s mentioned in the  
367 standards, but I see what both of you have said.

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369 Commissioner Rozmarek – The geometry of the existing mullions isn’t the same as the original  
370 because it’s not divided evenly. You can tell that they specifically made the one bay narrower to  
371 put the door in. If you want to put that into consideration as well as to telling the story of this  
372 structure.

373  
374 Commissioner Ramsburgh – I knew this would be an interesting discussion. I waffled back and  
375 forth after Monday and when I read the recommendation that talks about reveal and muntin  
376 configuration and thought that’s really important. But I agree with Commissioners Rozmarek and  
377 Giannola. When the building was changed and the doorways were added to that window section  
378 and the old windows were lost, the new windows showed that change and applied muntins  
379 falsified that change. I personally like the grid of true divided light windows, but the exterior  
380 application of them on top of these windows falsifies the historical picture. If in the future they  
381 decide to go back to the old original in some way on the two existing windows maybe they could  
382 really go back to the original windows, since we have all the documentation. But I think with  
383 these new modern windows, the best thing to do is let them be new modern windows.

384  
385 J. Thacher – Just so you all know, a staff report from 1999 on this property states that the 1983  
386 modifications occurred before the Old West Side regulations were changed to require Historic  
387 District Commission review, so the windows were not previously reviewed by the Historic District  
388 Commission.

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390 **MOTION #1**

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392 Moved by Commissioner Wallace, Seconded by Commissioner McCauley, “**That the**  
393 **Commission deny the application at 241-251 Mulholland Street, a contributing**  
394 **property in the Old West Side Historic District, to remove the applied muntins from**  
395 **windows on the west, south, and east elevations, as proposed. The work is not**  
396 **compatible in exterior design, arrangement and relationship to the rest of the**  
397 **building and the surrounding area and does not meet *The Secretary of the Interior’s***  
398 ***Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, in**  
399 **particular standards 1, 2 and 9 and the guidelines for windows.”**

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401 **On a Roll Call Vote - MOTION TO DENY – *FAILED (Split vote – 3 Yes/3 No)*.**

402  
403 *Yes (3) – Commissioners Wallace, McCauley & White*  
404 *No (3) – Commissioners Giannola, Ramsburgh and Rozmarek*

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406 **MOTION #2**

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408 Moved by Commissioner Giannola, Seconded by Commissioner Ramsburgh, that the  
409 Commission approve the application at 241-251 Mulholland Street, a contributing property in the  
410 Old West Side Historic District, to remove the applied muntins from windows on the west, south,  
411 and east elevations. The work is compatible in exterior design, arrangement, and relationship to  
412 the rest of the building and the surrounding area and meets *The Secretary of the Interior’s*  
413 *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, in particular  
414 standards 1, 2 and 9 and the guidelines for windows.



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**On a Voice Vote – MOTION TO APPROVE – *FAILED (Split vote – 3 Yes/3 No).***

Yes (3) – Commissioners Giannola, Ramsburgh & Rozmarek

No (3) – Commissioners Wallace, McCauley & White.

J. Thacher – The application is not approved. The application is denied because no motion was passed.

Commissioner Wallace (to applicant) – You'll receive a written decision from staff – we can also have ongoing conversations about what this means – but as of now there is no motion that has been approved.

Unknown (member of public) – Do we just wait?

Commissioner Wallace – Because no motion has been approved that means a denial, so the muntins need to go back up. Ms. Thacher can provide more information.

J. Thacher (to applicant) – You should put the muntins back in the configuration they used to be in, but if you want a different muntin configuration, I can most likely give you staff approval for that. Somebody mentioned a couple of different muntin styles or thicknesses that were under discussion. I'll give you the written decision and get in touch with me if you want something different from what's there now.

Commissioner – If they want to continue looking at not replacing the muntins, is it possible to have another separate application in the future?

J. Thacher – that would be the same application over again. There has to be something different on a new application.

Unknown (member of public) – You have six people. Doesn't this happen all the time – a split vote?

Commissioner White – One person is missing. It's seven on the Commission.

Unknown (member of public) – Couldn't we do this again (with the full Commission)?

Commissioner Giannola – I was wondering, since there was no decision, does this mean it's actually closed or can they come back since it's within the 60 days?

J. Thacher – No. A decision was made by both motions not passing. We ran into this a couple months ago and the City Attorney's office made it clear that when you have a split vote, if you cannot pass an affirmative motion – an approval or denial – the application is not approved.

Commissioner Wallace – It doesn't happen very often, which is why we're a little confused.

Unknown (member of public) – This feels just like one of our condo meetings.

**BACKGROUND:** This 1 ¾ story gable-fronter features a full-width front porch, second floor knee-wall windows, and clapboard on the first story and shingles on the second story. It is listed in City Directories as vacant in 1914 and 1915, and occupied in 1916 by Clarence Snow, a driver. Its mirror-image twin to the east at 601 West Madison appears to have been constructed at the same time.

**LOCATION:** The site is on the south side of West Madison Street between Fifth Street and Fourth Street.

**APPLICATION:** The applicant seeks a notice to proceed to replace three original windows with new windows in order to abate lead paint on the windows because the homeowner is pregnant.

**STAFF FINDINGS:**

1. The three windows in question are wood double-hung, with weighted sash cords, and trim and proportions typical of this period.
2. The applicants have provided information to support their position (from the application's cover letter) that "Restoration – even the most comprehensive restoration, which involve stripping windows down to bare wood, repainting and encapsulating, and installing jamb liners to reduce friction – is not fully effective at entirely removing lead paint from the window and tends to result in re-exposure to lead hazards over the long-term." They are therefore seeking a notice to proceed to replace three bedroom windows.

Since a notice to proceed acknowledges that the work is inappropriate under the Secretary of the Interior's Standards and city code, the burden in this situation is on the applicants to prove that accepted methods of lead paint abatement on historic windows would still result in a hazard to the applicants' safety.

3. Abatement of lead paint and interim controls are defined by Title X, the Residential Lead-Based Paint Hazard Reduction Act (a portion of the Federal Housing and Community Development Act). These are the terms used in the application and they illustrate common understandings of the terms in the field.

*Abatement:* Any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by appropriate federal agencies. Such measures may include (1) removal of lead-based paint and lead-contaminated dust, permanent enclosure or encapsulation of lead-based paint, replacement of lead-based painted components or fixtures, and/or removal or covering of lead-contaminated soil and (2) all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

*Interim controls [Control Measures]:* A set of measures designed to reduce temporarily human exposure or the likelihood of exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential soil lead hazards, and the establishment and operation of management and resident education programs.

4. *Preservation Brief 37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*, published by the U.S. Department of the Interior in 2006, describes the use of lead paint before 1978 and appropriate methods for abatement. For windows, isolating or

518 removing the paint is recommended. Window edges can be stripped or planed, or the units  
519 stripped on or off site. Parting stops can be replaced. The brief does not recommend the  
520 use of 20-year encapsulant paints on friction surfaces, though they may be appropriate on  
521 other parts of the window. (*Preservation Brief 37* is attached: see section titled  
522 “Appropriate Methods for Controlling Lead Hazards”.)  
523

- 524 5. In the letter from Jonathan W. Wilson, Deputy Director of the National Center for Healthy  
525 Housing, he compares window replacement to repair. In a follow up email dated June 3, he  
526 clarified that repairs included having lead paint stripped from the sashes, replacing sashes,  
527 or repainting the windows. It does not appear that the jambs were stripped on any of the  
528 windows. He says “Window repair remains an approved alternative, but even when a  
529 window is properly repaired, the paint on the window can degrade over time through  
530 friction from operation, exposure to weather extremes, and ultraviolet radiation from the  
531 sun.” Mr. Wilson’s statements confirm that it’s acceptable to repair rather than replace  
532 windows, although a repair that leaves lead paint on the window jambs, even if painted  
533 over or covered with vinyl, may require further repair at a later date. Stripping all lead paint  
534 off of the entire window (including the friction surfaces on both sash and jambs), as  
535 recommended in *Preservation Brief 37*, would resolve these concerns about later exposure  
536 of leftover lead paint. Mr. Wilson also cited a forthcoming study in his letter, however since  
537 the study has not been published yet, staff cannot evaluate the conclusions.  
538  
539

- 540 6. The article provided with the application called *An Extended Study of Interim Lead Hazard*  
541 *Reduction Measures Employed In The Baltimore Clinical Center of The Treatment Of*  
542 *Lead-Exposed Children (TLC)-Clinical Trial* from April 2000 studied cleaning and repairs  
543 done to homes of children with elevated lead levels. Among the study's conclusions is that  
544 in homes where major repairs were recommended, major repairs resulted in less long-term  
545 lead dust than minor repairs, based on tests conducted two years after the work was  
546 completed. Major repairs generally included replacement of windows, among other work,  
547 while minor repairs varied across houses, including wet scraping and repainting of  
548 surfaces and friction points, among other work. The study concluded that window  
549 replacement was beneficial in attaining long-term lead reductions as compared to minor  
550 repairs in houses where major repairs were recommended. However, given the lack of  
551 definition and admitted variation in the nature of the minor repairs, which did not  
552 necessarily include complete stripping of all window elements, it is not possible to  
553 conclude that replacement is more safe than complete stripping in this case. Because the  
554 study does not compare window replacement to complete paint stripping that constitutes  
555 abatement, the conclusions cannot be applied to the application for 603 West Madison.  
556
- 557 7. The article provided with the application called *Effectiveness of lead-hazard control*  
558 *interventions on dust lead loadings: Findings from the evaluation of the HUD Lead-Based*  
559 *Paint Hazard Control Grant Program* compares seven increasingly-aggressive strategies  
560 for lead control, ranging from cleaning to complete removal of all lead-based paint in a  
561 structure. The study cannot be applied to this application, however, since the work  
562 categories for each strategy don't align with the work proposed. For example, Strategy 04  
563 included "...jamb liner installation, sash replacement, paint removal from sashes, and  
564 stripping or capping of windowsills and/or troughs...", along with other work on the  
565 structure. (Troughs or wells are the area that the lower sash rests on when the window is  
566 closed.) Strategy 05 "...generally included replacement of all or most windows, but also  
567 included some off-site paint removal of paint on windows." Strategy 06 enclosed,  
568 encapsulated, or removed all lead, and Strategy 07 removed all lead-based paint. (Page  
569 305.) It appears that repair involving stripping all lead paint from every part of the wood  
570 windows would fall under either Strategy 05, 06, and/or 07, as would replacement of the  
571 windows. Thus, because full stripping and replacement were not compared, the study  
572 cannot be said to show that full stripping is less effective than replacement.  
573
- 574 8. The third document provided with the application, Chapter 2 of *Managing Elevated Blood*  
575 *Lead Levels Among Young Children*, recommends either repair or replacement of lead  
576 painted windows – it does not assert that only replacement is sufficient to protect the  
577 health and safety of occupants. See especially the section "Effectiveness and Safety of  
578 Lead Hazard Control Measures" on pages 19-21 and "Recommendations for Assessment  
579 and Remediation" on pages 22-25.  
580

581 Lead paint is a health hazard that is not to be taken lightly, which is why the U.S.  
582 Department of the Interior produced and regularly updates *Preservation Brief 37:*  
583 *Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*. Staff feels that  
584 the arguments made in the articles included with this notice to proceed application do not  
585 demonstrate that stripping the lead paint from the existing windows would not substantially  
586 improve or correct the lead hazard to the occupants. Paint stripping performed by a  
587 certified lead abatement contractor is an appropriate means of remediation that does not  
588 require approval from the Historic District Commission because it is considered to be a  
589 repair.  
590

591 **Owner/Address/Applicant:** Nathaniel Schwartz & Seneca Rosenberg, 603 W Madison Street,  
592 A2, MI 48103  
593

594 **Review Committee:** Commissioners Ramsburgh and White visited the site.  
595

596 Commissioner Ramsburgh – We found the appearance of the windows very much as staff  
597 described. It looked as though the sills and the casings around the windows had recently been  
598 painted and the loose paint was primarily in the trough or the window well and the jambs or  
599 outside stock. I'm sure that everyone did a lot of careful reading on this study and I think that  
600 staff's assessment on the articles are in line with my assessments. I certainly have concern  
601 about lead abatement, but I'll leave my thoughts for the discussion.  
602

603 Commissioner White – (There was no review report given – just his personal assessment of lead  
604 paint hazards) I don't agree with the city – Lead pain is a health hazard, and this is stated by the  
605 Department of their Interior.  
606

607 We're not making them change their windows – they want to replicate the windows. Safety first  
608 and this situation states that the city says 'you can tolerate a little lead poisoning...' – and then  
609 later they say they knew about it but we didn't know it was going to harm you this much.....  
610

611 Applicant Presentation: Mr. Nathan Schwartz (and wife Seneca) was present to speak on behalf  
612 of the application. He thanked the Commission for taking the time to read the report and consider  
613 their application, but they wanted to respond to the points made in the staff report.  
614

615 Mr. Schwartz stated the following:  
616

- 617 ➤ The central point in that staff report was that the 'perfect study' comparing window  
618 replacement to window renovation to window stripping has not been completed. As the  
619 report points out correctly, all of the studies that we have been able to find group various  
620 kinds of window renovation together rather than distinguishing between renovations that  
621 strip *all* of the paint vs. renovations that strip *most* of the paint. Because of this, the staff  
622 report suggests that none of these studies at all are relevant to our petition. We couldn't  
623 disagree more.  
624

625 Every recent study that we have been able to find finds that renovation – whatever type of  
626 renovation they test - Is less safe than window replacement. These studies are imperfect,  
627 but they are all that exist. The staff report has not provided any counter-research that  
628 demonstrates that renovation and replacement are equally safe, and refers instead to the  
629 guidelines that Ms. Thacher refers to as historic preservation brief #37, which was re-  
630 written in 2006. One of the things that is made very clear in that rewrite is that it was  
631 based on the Department of the Interior's Standards that were published in 1995. Those  
632 standards are now outdated.  
633

634 Mr. Jonathan Wilson, the Deputy Director of Healthy Housing (from whom we received the  
635 letter) was a contributing author to the HUD standards that that report is based on and  
636 stated that those standards are outdated. Without perfect knowledge, it seems to us that it  
637 makes sense to weigh the evidence against some of the possible costs.  
638

639 Scientists have conclusively demonstrated is that there are no 'safe' levels of lead to have  
640 in your blood. There are no treatments that can be given to reverse the effects of lead.  
641 Lead usually causes permanent and irreversible brain damage.  
642

643  
644 We as parents would prefer to take the steps to ensure our child's safety rather than 'roll  
645 the dice' in order to preserve every single original windows in our house.

- 646  
647 ➤ The staff report did not address the short term dangers of window renovation – Ms.  
648 Thacher stated that the CDC report stated that either renovation or replacement was  
649 acceptable. That report doesn't take a stance on which is safer. What it does talk about  
650 are the possible dangers of renovation itself. We've been told by a variety of people that  
651 when contractors replace old wood windows, they remove the window from the frame and  
652 they place an insert over most of the trough and jam. Because the new window moves  
653 within the insert, the contractors don't need to do much stripping of the trough and jam and  
654 the friction surfaces are protected. On the other hand, when contractors renovate a  
655 window, they sometimes take the sashes off-site, which is much safer, but even though it's  
656 protected with plastic, the frame needs to be stripped on site. This generates more lead  
657 dust in the process. This renovation can actually increase the dangers in the short run.  
658
- 659 ➤ Pregnant women absorb much more of the lead they ingest than the general population;  
660 sometimes up to fifty percent. Beginning with twelve weeks of pregnancy, lead can cross  
661 the placenta and harm the fetus and my wife is now sixteen weeks pregnant.  
662
- 663 ➤ A number of studies find that wood is porous and previously lead based painted wood  
664 retains lead levels even after it's been abated. We sent you a letter from the Vermont  
665 Housing and Conservation board which has run its own studies, finds that there is lead  
666 being left in this wood windows, so are now allowing 'in-kind' replacement.  
667
- 668 ➤ We didn't actually begin this process obsessed with window replacement. The renovation  
669 that the HDC recommends is cheaper for us, We learned about the lead hazard in early  
670 April and we wouldn't have had to pay this fee for the notice to proceed. Our inspector told  
671 us he recommends window replacement and Ms. Thacher stated that the Commission  
672 usually recommends window restoration. Even if you believe the current research  
673 information is insufficient, and no level of lead is safe, we want to take every precaution to  
674 protect our baby. A Notice to Proceed seems ideally suited to these circumstances, and  
675 we hope the HDC will agree.  
676

### 677 **Questions of the Applicant by the Commission:**

678  
679 Commissioner Ramsburgh – When were the sills (the outside casings) last painted? (before we  
680 moved in). You've been there three years now? (Right). In the report from the lead abatement  
681 company report, those tested negative (right). The troughs, which obviously had not been  
682 painted, tested positive, and the interior of the windows tested negative (right). So, my prime  
683 concern is that there are lots of positive places inside the house and outside of the house that  
684 won't be addressed.

685  
686 N. Schwartz - Actually, they will. We were told that we didn't have to apply for most of those (to  
687 the HDC). The lead abatement certified company that we will hire, which goes beyond the new  
688 EPA standards, stated that our priority would be the three upstairs bedroom windows which we  
689 use regularly, the casement window, which he said did not require replacement as it was not like  
690 a double-hung with those friction surfaces - can be encapsulated in a way that will be safe and  
691 won't generate dust that the double-hung windows do. There is a door between our kitchen and  
692 our basement that basically a wet scraping and encapsulation will do it and this same company is  
693 doing that.  
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The outside porch – the white part is peeling badly – and that will also be encapsulated as will our stairs. We've been told there are varying levels of abatement and some of those we were not willing to take depending on the circumstances. We're not willing to take the less aggressive measures with these windows in question.

S. Rosenberg - Everything will be painted or encapsulated.

Commissioner Ramsburgh - Have either of you had your blood levels tested? (S. Rosenberg - I have had my blood levels tested and they came up under '10 Hazard Level' - in part because we have kept our windows shut since last November as recommended by the Lead Abatement company.

Commissioner McCauley – If the sills are being kept, isn't that a concern also? The preservation brief #37 recommends removing the parting and interior stops on the window. It seems to me that stripping the actual window sash's and replacing those stops would go a long way, especially since other areas are just being encapsulated. (The inside trough is where the window hits is what we're most concerned about). (*Discussion on window 'parts' and what they're called*).

Commissioner Rozmarek – For the record, can you reiterate why you didn't have a lead assessment performed before you purchased the house? (Petitioners explained that their agent told them that if they asked for the lead assessment, their offer would basically be refused, because if the owners at that time had to do the assessment, that assessment now becomes a legal document and follows the home, and the current owner could no longer 'deny' or say that they don't know for certain that there is lead in the home. That becomes a legal document, and the current potential buyers can then walk away from the transaction. Once we found out that we were expecting, we did the tests as quickly as possible).

Will the entire scope of work abate the entire percentage of your home? (No, and it will be done in stages dependent on what is most crucial and the biggest priority.) What about the front door. I don't see that information here. (It was sent as a later report. There is a lot less risk there due to the way the door functions). Do you open the windows on the first floor? (No, they're painted shut).

(*General discussion between the petitioners and the Commission on the window inserts and wood stripping and certified lead abatement contractors and the hazards associated with the front door*).

**Audience Participation:** None.

**Discussion by the Commission:**

Commissioner Wallace – I normally follow the presentation briefs when it comes to windows, and I advocate restoration and not replacement; but much of the information about the lead are things that I was unaware of. I think the burden of proof has been met that there is significant risk even with preventative measure put in place.

Commissioner Rozmarek – Yes, lead is a danger to anyone, but with the reports we've been given, I feel as though we're missing information. What would the lead levels be if the windows were stripped and then encapsulated? It would be nice to have information on this. My concern is with the installation of the product. I did ask for detail in the email I originally sent to staff on

746 May 27<sup>th</sup>, just so we can see how this system is going to fit and the integrity. We're basing a lot  
747 of this on heresy and not facts.

748  
749 Commissioner McCauley – I agree. What is encapsulated in paint or varnish, what are the levels  
750 then? What kind of exposure will take place? I think we're all concerned with people's health.  
751 I'm a house painter, and I had to take the training on lead abatement and it is a lot of work and  
752 well worth someone's health; however, my concern is – where does this stop? Windows are a  
753 matter of concern, but without this information about the stripping and encapsulation, I think it  
754 would be a very bad idea to approve this as a Notice To Proceed without that information. We  
755 don't know what the results of this process. This is a horrible precedent to set. I'm concerned  
756 with the applicants and their unborn child, but we have an obligation to stick to the Secretary of  
757 the Interiors standards and the Brief, which requires stripping and encapsulation.

758  
759 Commissioner White – Let's not talk about it being lead. Let's say it's radioactive. We know it  
760 causes harm, so let's paint it. Painting it will not stop the dust. We know that pregnant women  
761 absorb fifty percent more than your average person. That's not new. I want to save the windows  
762 and doors, but not over a human being.

763  
764 Commissioner McCauley – I'm not saying that. What I'm saying is, if you strip it, encapsulate it,  
765 replace the stops as Preservation Brief 37 says, we don't know what those lead levels would be,  
766 so why throw everything out the window that we're supposed to be doing?

767  
768 Commissioner White – I'm concerned because the lady is pregnant. They've given us 138 page  
769 report on what hazards are in their house. There is no mystery about it.

770  
771 Commissioner McCauley – There is a mystery. What would the results be if you followed what  
772 Preservation Brief 37 said – what the end result would be. We don't know that.

773  
774 Commissioner White – Stated that he didn't want to know the results of a child not being able to  
775 learn.

776  
777 Commissioner Giannola – Stated that the information that Commissioner McCauley seeks is not  
778 available, so we can't be sure that this would be safe. As to the statement about radioactivity,  
779 there already is radioactivity in the home – it's called Radon. Denying this is like saying that we'd  
780 deny them to put in a Radon Mitigation System. To me, the question is more of setting  
781 precedence and us moving forward and changing with the times.

782  
783 Commissioner Rozmarek – To bring up Commissioner White statement about radioactivity –  
784 would you buy a house next to a nuclear reactor? I know this sounds insensitive, but until we  
785 have this information as to whether stripping and encapsulation is a hazard? We can't make the  
786 call that this is a 'hazard' – we can only abide by the information we have.

787  
788 Commissioner Ramsburgh – I went to the Vermont housing site that they refer to, and one of their  
789 links is the CDC lead paint safety 'field guide' for painting and home maintenance renovation  
790 work under the U. S. Housing and Urban Development in March of 2001. There is no reference  
791 to replacement in this document. The solutions to flaking paint are listed as: Remove  
792 deteriorated paints; scrap, wet scrape.... every problem that you have – windows sticking and  
793 paint sticking and flaking, window sill dust loading and how to correct those problems all had to  
794 do with repair and removing the deteriorated paint and encapsulating it with new paint. Nowhere  
795 in that CDC Lead Paint Safety Guide did they say 'window replacement' at all.

796



797 The other thing is that one of the articles provided by the petitioner to the HDC that talks about  
798 elevated blood levels in children living in homes built before 1946 (most of which had lead paint).  
799 It states that “For low-income children living in pre-1946 dwellings, the prevalence of elevated  
800 blood levels is 16 percent compared to 4 percent for middle income children living in such  
801 dwellings. What bothers me about taking the most extreme abatement step is that there are  
802 obviously many things that you can do to abate lead as a hazard.

803  
804 Being a vigilant cleaner of your house can reduce these things and contribute to making it a safe  
805 environment. I think that maybe the anxiety is out of proportion and that replacing the windows is  
806 the most dramatic step you could do and could accomplish the same mitigation with other steps.  
807 I also think that as concerned as you are, if you did the less mitigation methods, and a year later  
808 came back and tested and found that you had dust levels, then that would be.....

809  
810 Commissioner White – Yes, but now you see, they’re poisoned. (Commissioner McCauley stated  
811 that this is not what they are stating at all). What they’re stating in that report is that middle class  
812 people maintain their houses better than low-income people (Yes, that’s what we’re saying....).  
813 We went there, and we saw the paint chips. It’s maintained, and has paint chips. (Yes, that’s  
814 why we’re saying it can be abated). (More discussion at length amongst the Commission).

815  
816 Commissioner Wallace – Stated that the Notice to Proceed would be appropriate and not  
817 precedent setting due to the fact that one of the residents is pregnant and can absorb fifty percent  
818 more lead than the average person. I know that this is completely inappropriate according the the  
819 standards, but I’m going by the exception.

820  
821 J. Thacher – (Reiterates the language in the “Notice To Proceed”). Really, this is saying that “To  
822 be necessary – to substantially improve conditions. If, under the Secretary of the Interior’s  
823 Standards it is impossible to correct this condition, then it’s appropriate to issue a Notice to  
824 Proceed. It’s not like you’re not considering the standards, but under the standards, whether this  
825 can’t be ‘substantially improved’ and then move on to ‘other methods.’ The statement says that if  
826 ‘the resource constitutes a hazard to the safety of the public or the occupants of the structure.’  
827 That is what you have to decide.

828  
829 Commissioner Rozmarek – The data is inconclusive and we are not qualified to say that  
830 replacement windows will cause less lead dust or hazard than restoration. The replacement of  
831 these three windows will not mitigate the lead hazards in this home entirely, so there is still  
832 hazard in the home. I am concerned with the installation of the replacement window information.  
833 We asked for installation data on this and did not receive it.

834  
835 J. Thacher – Stated that in terms of ‘data,’ she had spoken to Robert McKay of the State  
836 Preservation Office, and he stated that this question (lead abatement) comes up regularly at the  
837 State, and that he has seen no ‘conclusive’ evidence that would sway him in favor of replacement  
838 over stripping paint, and he recommended complete stripping, not just jamb liners or sash  
839 replacement. He did not get that in an email to me or I would provide you with that this evening.  
840 Mr. McKay did run a local level lead paint abatement program for a local government before  
841 being with SHPBO.

842  
843 The chair asked if anyone objected to re-opening the public hearing so that the Commission  
844 could ask additional questions. (Agreed). Chair Wallace asked the petitioners to step forward.

845  
846 J. Thacher – Stated that the petitioner’s did provide anything she asked for, and that if anything  
847 was missing to the Commission, it was because she hadn’t asked for it, so lack of that was not  
848 their fault.

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N. Schwartz – Stated that the HDC asked for custom drawings, and we discussed with Ms. Thatcher the contractor’s responses by email instead of providing drawings. Mr. Schwartz also reiterated that the information out there is inconclusive, but the only thing for certain is that window replacement is safest. We’re asking that you allow us to make that choice. Ms. Rozmarek mentioned that we bought this house with the lead hazard, and looking back on that, that was a mistake. I just have a hard time believing that the city has a policy that does this to its citizens. After talking with Planning Director Wendy Rampson, she said, “This is not a ‘solution,’ but let’s be clear - the City of Ann Arbor isn’t requiring you to stay in your house.”

Commissioner Rozmarek – Suggested letting this be a ‘test case’ by testing lead levels before and after replacement so that they have documentation for the future. (Commission White will work on trying to get that funded, as the city cannot commit to doing that). Petitioner’s were in agreement with this if it were possible.

Commissioner Wallace closed the public hearing once more.

J. Thacher – Stated that the Commission should not ‘require’ the applicant to test for lead with the Notice of Proceed.

Commissioner Ramsburgh – Stated that she will reluctantly support this in this situation, but she believes that stripping and encapsulation would satisfy the health hazard. I also spoke with Laurie Sipes and asked if she did lead abatement? She is not certified, but if they ‘restore,’ she does this through restoration, including lead testing. Those less invasive methods are there and in this case I would like to see that be the solution, but due to the special circumstance, I will support the notice to proceed.

Commissioner McCauley – This is not a special circumstance. This is the beginning of every single window and door in town being ripped out and replaced. If we’re not here to represent the Secretary of the Interior’s Standards, I don’t know why we’re here.

Commissioner Giannola – The one thing that we can’t dispute is lead as a hazard.

Commissioner McCauley – I don’t dispute this, but this will set a precedent. This is not a special case, this is every single window, door or surface that could be replaced. Someone else comes in and we deny this, they city will be sued. Until the Secretary of the Interior states differently, we have to follow those standards, it’s what we’re here to do.

### **MOTION**

Moved by Commissioner White, Seconded by Commissioner Giannola, “**That the Commission issue a Notice to Proceed for the application at 603 West Madison Street, a contributing property in the Old West Side Historic District, to replace three original wood windows, as proposed. The work substantially improves or corrects a lead paint hazard to the structure’s occupants, which in this case includes a pregnant woman.**”

**On a Voice Vote – MOTION PASSED – 4 Yes, 2 No (Application Approved)**

Yes (4) – Commissioners White, Giannola, Wallace & Ramsburgh;

No (2) - Commissioners McCauley & Rozmarek

**B - OLD BUSINESS –****B-1 HDC10-051 – 502 S FIRST STREET – Side addition to garage – OWSHD**

J. Thacher – This application came before you last month, and the Commission asked for additional information (information presented). The applicants would still prefer their original request of a 12/12 pitch on the roof of the dwelling.

**Applicant Presentation and Questions by the Commission**

Commissioner Wallace – Reiterated that these drawings were helpful.

Commissioner White – I like the 9/9 pitch better than the 12/12 pitch. (No questions of the applicant, and the Chair closed the Public Hearing).

Commissioner Ramsburgh – The original roof showed a ‘connector’ roof between the house and garage. Will that be removed?

J. Thacher – Since that was never approved by the Commission in the first place, they would not be approving that, as it must be according to the current drawings submitted (‘per submitted plans) and would not be approved. (Petitioner stated it would be removed due to the construction).

**MOTION**

Moved by Commissioner Wallace, Seconded by Commissioner White, “**That the Commission approve with conditions the application at 502 South First Street, a contributing property in the Old West Side Historic District, to build an addition on the garage, on the condition that the roof have a 9/12 roof pitch as shown in alternate drawings provided by the applicant. As conditioned, the application is compatible in exterior design, arrangement, materials, and relationship to the surrounding area and meets the Secretary of the Interior’s Standards numbers 2, 9, and 10.**”

**On a Voice Vote – MOTION TO APPROVE – PASSED (Unanimous)**

**C - NEW BUSINESS –****C-1 Historic Marker Application – 433 Second Street – OWSHD**

J. Thacher – Gave background on the home and discussed with the Commission. The siding has been replaced, but there was no original siding under the vinyl. The research done on the house by owner Brad Ruppel states that the home was built between 1866 and 1869. It has a small addition on the back and a one story porch. Windows upstairs are 6/1, downstairs are 2/1. These are wood and in good shape. Discussion by the Commission regarding historic markers.

**MOTION**

Moved by Commissioner White, Seconded by Commissioner Ramsburgh, “**To approve the application for a Historic Marker at 433 Second Street.**”

**On a Voice Vote – MOTION TO APPROVE – PASSED - Unanimous**

953  
954 **C-2 HDC Awards Committee - 2010 Award Nominations**

955  
956 J. Thacher – Stated that the list of nominees was completed and had been sent to the  
957 Commission.

958  
959 **MOTION**

960  
961 Moved by Commissioner White, Seconded by Commissioner Ramsburgh, **“To approve the list  
962 of award nominees for 2010.”**

963  
964 **On a Voice Vote – MOTION TO APPROVE – *PASSED - Unanimous***

965  
966  
967 **AUDIENCE PARTICIPATION – GENERAL** (Limited to 3 Minutes per Speaker)

- 968  
969 1. Mr. Bruce Christie, 502 South First Street – Regarding the lead issue this evening, I  
970 agree with Commissioner McCauley that the Commission is setting itself up for a  
971 tremendous amount of grief. I will not start it, but I have a pregnant tenant living in a  
972 house on the Old West Side. I have 26 double hung windows in my house that I’m  
973 sure have lead in them; I didn’t count the windows in the other house in which my  
974 tenant lives, but I’m sure they had lead in the windows in her apartment.

975  
976 I’ve just seen so much effort into replacing sash’s that I thought was overkill by the  
977 Commission. I think you’ll see a tremendous number of contractors coming in to  
978 replace these windows rather than replace them. The issue of removing the paint and  
979 doing everything you have is enough and covering it up (encapsulation) can be dealt  
980 with.

981  
982 **D - APPROVAL OF MINUTES -**

983  
984 D-1 Draft Minutes of the March 11, 2010 Regular Session (*Line 5, Commissioner  
985 Rozmarek’s first name is spelled incorrectly.*)

986  
987 D-2 Draft Minutes of the April 8, 2010 Regular Session (*No Changes*)

988  
989 D-3 Draft Minutes of the May 13, 2010 Regular Session (*No Changes*)

990  
991 **MOTION**

992  
993 Moved by Commissioner Ramsburgh, Seconded by Commissioner White, **“To approve the  
994 minutes of the March 11, April 8, and May 13, 2010 Regular Sessions as amended.”**

995  
996 **On a Voice Vote – MOTION TO APPROVE – *PASSED - Unanimous***

997  
998  
999 **E – REPORTS FROM COMMISSIONERS** – None.

1000  
1001 **F – ASSIGNMENTS**

1002

**F-1** Review Committee: Tuesday, August 10, 2010 at 5pm for the August 12, 2010 Regular Session. Commissioners White and Giannola.

**G – REPORTS FROM STAFF**

**G-1** May 2010 Activities Report.

J. Thacher – Announced that Chair Wallace will be leaving the Commission after the July meeting. Before that meeting, we will figure out if we need an election to replace her or if the Vice Chair steps in.

**H – CONCERNS OF COMMISSIONERS**

Commissioner Wallace – While I did support the application regarding the lead paint issues earlier, I do have significant concerns about what Commissioner McCauley and Bruce Christy brought up. I think it's going to be very tough. I am glad that Commissioner White put in the information about the pregnant woman in this situation, and I'm not saying that a pregnant woman should always take precedence over other individuals, I just think that because that was present, it comes into play when other people come in. I feel that that 'precedent' has not been set yet due to that.

**I – COMMUNICATIONS**

**ADJOURNMENT**

*The Meeting was adjourned at 10:17 p.m. without objection.*

***SUBMITTED BY: Brenda Acquaviva, Administrative Specialist V, Planning and Development Services.***