

Historic District Commission Public Hearing Minutes – December 4, 2023

Time: 7:30PM – 9:45PM

Received by Town Clerk

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Members Present: Ben Franklin, Jer Jurma, Ingrid Strong, Sylvia Belkin, Richard Smith, Andrew Steingiser, Stacey Reiling

Members Absent:

Staff Present: Marissa Meaney (Land Use Coordinator)

Location: VIRTUAL via Microsoft Teams

The Commission opened its meeting by welcoming its newest member, Stacey Reiling.

Agenda:

CERTIFICATES OF APPROPRIATENESS

- a. **23HDC-37 (71 Farragut Rd)** – by Drew & Jackie Deppen. Request to reconstruct front porch.

B. Franklin opened the continued hearing by giving a summary of the issue before the Commission, as well as a timeline of events that have led up to this point. Since the last meeting on November 6th, the Commission conducted a site visit with the homeowners and their contractor, and subsequently met with the Building Commissioner, Stephen Cummings, as well as Doug Thompson, Select Board member liaison to the Commission. He then presented the materials, submitted by the homeowners, that the Commission would be reviewing tonight.

Homeowner Drew Deppen followed by giving a statement before the Commission, explaining that he and his wife did not have any malicious intentions, and were not trying to circumvent the jurisdiction of the HDC. He and his wife made decisions that, to them, were aesthetically pleasing and did not seemingly alter the historic nature of the home, therefore not realizing that it would trigger a review by the Commission.

The Commission debated on how to best proceed with the item. The options included:

- a. Approve the Certificate of Appropriateness on file with numerous conditions
- b. Deny the Certificate of Appropriateness and have the homeowners restore the porch to its original profile

The Commission determined that they felt uncomfortable with issuing a Certificate of Appropriateness, as much of the historic value of the house would be lost with the change in porch design. Drew Deppen, however, disagreed, stating that the changes in design do not alter the historic nature of the home, as there is precedent for those design aspects that are featured on other homes in the District.

Commissioner Andrew Steingiser pointed out that the Commission does its best to remain sensitive to the fact that homeowners may have to make upgrades to maintain the livability of their homes, but in a situation where porches, as explicitly stated in the design standards, possess characteristics that define the historic nature of a structure, the Commission is then at a crossroads. In these situations, it is important for the Commission to uphold those explicit standards that are enforced with all applicants and homeowners, and therefore not risk establishing any sort of precedent that deviates from the bylaws or design guidelines.

Jer Jurma stated that he struggled with the problem of lack of understanding from the homeowners, who applied for a Certificate of Non-Applicability in which they explicitly stated that no changes shall be made to the design or material. Yet, those terms were ultimately violated. Drew Deppen explained that their intent all along was to maintain the original design of the porch but, when they demolished it, they determined that it was not structurally sound, and therefore they believed some changes had to be made. J. Jurma stated that he would be uncomfortable with the Commission using that interpretation as a precedent.

Ms. Deppen spoke before the Commission, reiterating that she and her husband had no ill intentions, and their goal was to restore the porch to its original design. However, when the porch was demolished and was deemed to not be structurally sound, a building inspector came out to the site and gave them the OK to proceed with removing the porch and putting in the sonotubes. At no point in that conversation with the building inspector was it made clear that any changes would have to be approved by the Historic District Commission. When it was finally communicated to the homeowners that the work being done was in violation of the HDC bylaws, they ceased the work. They have since tried to work with the Commission, at their own financial expense, but feel as though they are being penalized.

B. Franklin explained that they, as homeowners, are being held to the same standards as everyone else. Additionally, when a homeowners applies for a building permit under the homeowner exemption law, rather than going through a contractor, they certify that they will comply with all applicable Town bylaws, and accept liability for violation of any of said bylaws.

The item was opened for public comment:

1. Laurie Strazzullo – Express her dissatisfaction with the Commission’s unwillingness to waiver, especially as they are prohibiting the owners from making any cost-effective or environmentally sustainable decisions when restoring their home. The process is very discouraging, and there should be a way for the Commission to establish a middle ground.
 - a. R. Smith stated that the only cost associated is that of time, as the homeowner may be required to go back and redo some things that are already done. As far as materials are concerned, the Commission isn’t requiring the use of any materials that any more expensive or exotic as other products on the market.
2. Jasmine McGee – Feels like the whole meeting has just been one circular discussion where topics from previous meetings are readdressed, and nothing is actually being accomplished.
 - a. B. Franklin said that things have been happening outside of the public meeting such as email exchanges and site visits, both of which were explained at the beginning of this meeting
3. Angela Dooley – Stated that it seems like homeowners are being punished for a processing error, and the Commission’s worry of setting a precedent is not the best rationale for this action
 - a. J. Jurma clarified that the established precedent would be that of the Commission allowing the homeowners to proceed with their design and material changes that would otherwise not be allowed, thus allowing all other homeowners in the District to follow suit.
4. Louis – Argued that historic structures will naturally change over time as they suffer damage from whatever event and become restored with newer materials. This house will still retain its charming characteristics even with the changes in porch design.
5. Maura Lau – Agreed with the Commission that its rules are in place for a reason, and it is important for all homeowners within the District to uphold them.

Ingrid Strong spoke to the fact that the structural integrity of the porch should not have triggered any change in design. The only feature that would change is the railing height in order to comply with the building code. It is

not the Commission's intention to punish anyone; the problem is merely the fact that the Commission was left out of the process from the beginning, and is now just trying to figure out how to go forward from here. A. Steingiser agreed, stating that as an architect, there are so many ways to design something that achieves the same historically-sensitive design.

Drew Deppen spoke again, reiterating the fact that he had no malicious intent, and that he is here and is trying to work with the Commission. He is hoping for some help as it feels like he has just been bounced around in this discussion, and has not received any concrete feedback. He truly thought that, based on similar design changes in the neighborhood, the changes to his own home would not be deemed significant, and thought that he was keeping with the historically-appropriate design themes. J. Jurma responded by explaining that the porch, in of itself, was a contributing factor to the home's historic nature, and the Commission is charged with evaluating the historic nature of each home on a case-by-case basis, rather than evaluating them in comparison with other homes in the neighborhood.

Moving forward, J. Jurma believes the best course of action, although difficult, would be to deny the Certificate of Appropriateness, as the list of imposed conditions would be far too extensive. Recommendation would be for the homeowners to file a new application.

MOTION: J. Jurma to deny the Certificate of Appropriateness. S. Belkin seconds; unanimously approved (S. Reiling and A. Steingiser abstained)

The homeowners remained online with the Commission to talk about next steps. They reiterated their frustrations with the process, especially as they had anticipated a resolution tonight. The Commission will work with the homeowners to schedule a site visit in the coming weeks, and provided the homeowners with guidance as to filling out a more comprehensive application for a Certificate of Appropriateness.