



# Rochester Hills Minutes

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## Historic Districts Commission

*Chairperson Brian R. Dunphy, Vice Chairperson Maria-Teresa L. Cozzolino*  
*Members: John Dziurman, Nicole Franey, Micheal Kilpatrick, Melissa Luginski,*  
*Paul Miller, Dr. Richard Stamps, Jason Thompson*

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Thursday, September 10, 2009

7:00 PM

1000 Rochester Hills Drive

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**MINUTES** of a **REGULAR ROCHESTER HILLS HISTORIC DISTRICTS COMMISSION MEETING** held at the Rochester Hills Municipal Building, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan.

### 1. CALL TO ORDER

Chairperson Dunphy called the meeting to order at 7:00 PM.

Chairperson Dunphy stated that Agenda Item 8A (1046 E. Tienken Road) had been withdrawn by the applicant. The remainder of the Agenda would remain the same.

### 2. ROLL CALL

**Present** 8 - John Dziurman, Paul Miller, Richard Stamps, Micheal Kilpatrick, Brian Dunphy, Jason Thompson, Nicole Franey and Melissa Luginski

**Absent** 1 - Maria-Teresa Cozzolino

Also Present: Derek Delacourt, Deputy Director, Planning & Development Dept.  
Kristine Kidorf, Kidorf Preservation Consulting  
Judy A. Bialk, Recording Secretary

Chairperson Dunphy stated for the record that Ms. Cozzolino provided notice she was unable to attend this meeting and was excused.

### 3. DETERMINATION OF A QUORUM

Chairperson Dunphy announced a quorum was present.

### 4. STATEMENT OF STANDARDS

All decisions made by the Historic Districts Commission follow the guidelines of the Secretary of the Interior's Standards for Rehabilitation, MLHDA Section 399.205, and local Ordinance Section 118-164(a).

### 5. APPROVAL OF MINUTES

5A. 2009-0359 Minutes of the August 13, 2009 Rescheduled Regular Meeting

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Chairperson Dunphy asked for any comments or corrections to the August 13, 2009 Regular Meeting Minutes. Upon hearing none, he called for a motion to approve.

**A motion was made by Thompson, seconded by Miller, that the Minutes be Approved as Presented. The motion CARRIED by the following vote:**

**Aye** 8 - Dziurman, Miller, Stamps, Kilpatrick, Dunphy, Thompson, Franey and Luginiski

**Absent** 1 - Cozzolino

**RESOLVED** that the Minutes of the August 13, 2009 Regular Historic Districts Commission Meeting be approved as presented.

## 6. ANNOUNCEMENTS/COMMUNICATIONS

Chairperson Dunphy called for any announcements or communications. No announcements or communications were presented.

## 7. PUBLIC COMMENT (Non-Agenda Items)

Chairperson Dunphy asked if there were any public comments. He reminded the audience members in attendance that if they wished to speak on any non-Agenda items, they should complete a speaker's card and turn it in to the recording secretary. There were no public comments.

Chairperson Dunphy stated that if any member of the audience wished to speak on an Agenda item, they should also complete a speaker's card and provide it to the recording secretary.

## 8. UNFINISHED BUSINESS

- 8A. 2009-0335 1046 E. Tienken Road (HDC File #94-001)  
Applicant: Matthew Vincent  
Sidwell: 15-01-352-023  
District: Stoney Creek  
Request: Certificate of Appropriateness

Chairperson Dunphy stated for the record that this Item had been pulled from the Agenda at the request of the applicant.

**This matter was Withdrawn**

- 8B. 2008-0678 Stoney Creek Village (Tienken Road Bridge) (HDC #09-002)  
Applicant: Road Commission for Oakland County  
Sidwell: N/A - Tienken Road Right-of-Way  
District: Stoney Creek  
Request: 1) Certificate of Appropriateness  
- Removal of Existing Bridge

2) Certificate of Appropriateness  
- Construction of New Replacement Bridge

Chairperson Dunphy thanked the representatives from the Road Commission for attending the meeting, and noted the Commission had received an Application for review. He called for a brief summary from Staff.

Mr. Delacourt stated that the packet information included a letter from the City Attorney regarding weight restrictions and truck loads that was part of the discussion at previous meetings. The packet also included a letter from Kristine Kidorf, Kidorf Preservation Consulting, who is the City's Preservation Consultant, noting she was requested to review the project as it moved forward. He introduced Ms. Kidorf, who was present, and stated Ms. Kidorf had worked with the City on a number of issues related to preservation.

Mr. Delacourt stated the Road Commission had been requested to provide an update regarding the changes that had been made since the August 20, 2009 Historic Districts Commission (HDC) meeting.

Chairperson Dunphy asked for an update from the Road Commission representatives.

Jeff O'Brien, Design Engineer, Road Commission for Oakland County, was present and introduced Bill McIntee, Director of Permits and Environmental Concerns, Road Commission for Oakland County.

Mr. O'Brien stated the bridge width was reduced due to a reduction in shoulder width to 2-feet with two 12-foot lanes, along with a reduction in the pedestrian width to approximately 7-1/2-feet, for an overall width of approximately 40-1/2 to 41-feet in total width for the structure.

Mr. O'Brien stated the Road Commission had submitted its application on August 20, 2009 as that was the three-week window requirement to be scheduled for the September 10, 2009 HDC meeting. Based on comments received at the August 20, 2009 HDC meeting, the Road Commission had submitted some additional amendments and information for review by the Commission.

Mr. O'Brien stated that since the last HDC Meeting, both he and Mr. McIntee had the opportunity to meet with the State Historic Preservation Office (SHPO) and the Michigan Department of Transportation (MDOT) Environmental to review what was contained in the application to garner any feedback or comments those agencies might have from a cursory review perspective.

Mr. O'Brien stated the agencies reviewed the reduced width of the structure and the inclusion of a vintage rail pending cost participation with the City. Based on that cursory review, those agencies were happy with what they saw and indicated they looked at this project as having no adverse impact from a project perspective.

Mr. O'Brien stated that on September 2, 2009 the Road Commission met with City Staff to review requests for the inclusion of a mid-block crossing between Clear Creek and the bridge. Since then, the Road Commission had been busy preparing a plan for the mid-block crossing which was included with the supplemental information provided to the Commissioners. Mr. Delacourt clarified that the supplemental information was provided to the Commissioners.

Mr. O'Brien stated that from an overall plan perspective, not much had changed, but the Road Commission had made some adjustments to the cross-section proposed bridge elevation, which was revised to show the steel posts that were part of the vintage railing. There was no change in width or dimensions, but was more of a schematic change. The Road Commission had also included the change in the actual cross-section, which was provided in 12-1/2-foot increments from the east side of the bridge to the east end of the proposed wall. The original application reflected a more sloped vegetated block retaining wall. Several concerns were expressed at the last HDC Meeting - one being that it increased the amount of vegetation disruption as well as put the toe of that wall too close to, if not on top of, the existing watermain. Mr. O'Brien explained the depiction showed the clearances from the existing watermain to the proposed wall throughout the length. He explained this had been submitted to the City for review, and the City Engineer had indicated that while it was not ideal, it was acceptable because it included as much separation from the watermain as possible.

Mr. O'Brien stated at the last meeting several pictures were requested by the Commission. He referred to the first two photographs depicting what the standard MDOT two-tube railing looked like. He stated there were not many examples of that railing in the Metropolitan region. He explained the photograph had been provided by the Road Commission's consultant who happened to be travelling on M-131 in Kent County, Michigan, and stopped on the side of the road to take the photographs.

Mr. O'Brien referred to the discussion at the August 20, 2009 HDC Meeting about the concrete end connections which were partially shown in the second photograph. He explained where the guardrail connected, noting it was a transition area between the guardrail ending the actual bridge barrier.

Mr. O'Brien referred to the next photograph which depicted the vintage railing, although that particular bridge included concrete posts; was located in Pontiac, and was scheduled for replacement. The vintage railing proposed for the Tienken Road Bridge would be similar except steel posts would be used rather than concrete.

Mr. O'Brien stated the next three photographs depicted the salvaged pieces that MDOT has in storage and which are proposed to be used on the Tienken Road Bridge. He pointed out that the existing panels were galvanized and while some were in better conditions than others, there appeared to be a sufficient quantity in good condition that were available for this bridge project.

Mr. O'Brien stated the next photographs depicted a flat-faced block keystone retaining wall that was recently constructed at 14 Mile Road and Farmington Road. He explained that while the photographs did not depict the shade or color that was proposed for the Tienken Road Bridge, it was what the wall would like. He noted it was not the sculpted face seen on Livernois Road.

Mr. O'Brien stated the Road Commission proposed to leave the railings as a galvanized coating. He stated MDOT Environmental had contacts at the State regarding coatings and various paints that have been used in the past. He referred to the powder coating aspect, and explained that the welded joints of the railings would not take the powder coating and over time those areas deteriorate the quickest because they rust. He stated that paint also created a maintenance problem, noting the Road Commission had several communities that had painted mast arms and signal posts that within a short period of time had the paint flaking off and became unsightly. He stated a galvanized coating was fairly durable and would fade to a weathered gray look. They proposed to coat the concrete with a gray architectural finish so that the structure would be fairly uniform and unobtrusive to the District on entry.

Mr. O'Brien stated the Road Commission prepared a plan for the location of the mid-block crossing for consideration as part of the project. He explained the mid-block crossing depended on cost participation with the City. He described the zigzag island, pointing out the location of Clear Creek Road. He explained the crossing would look similar to the trail crossing refuge island located on Avon Road, east of Livernois Road, with overhead cross-walk signs which had to be lighted. He stated it would be similar to the trail crossings currently seen throughout Rochester Hills. He pointed out the proposed island was smaller than the standard used for the trails, simply because of space constraints with the ingress for the Clear Creek Subdivision. Pushing the mid-block crossing farther away from Clear Creek, it would end up in the turn-lane taper which was fairly narrow. The proposed location was as good as they could do given those constraints.

Mr. Delacourt added the only additions to the packet information provided to the Commissioners last week Friday were the cross sections of the retaining wall and the mid-block crossing detail. Everything else was the same as the information included in the packet distributed on Friday, September 4, 2009.

Mr. Delacourt added he had included a separate motion for the mid-block crossing for the Commission to consider. He explained the mid-block crossing was something that the City Planning and Engineering Staff had been working on with the Road Commission and wanted to thank the Road Commission because although it was an acceptable standard, it was not what the Road Commission normally built. He stated that both the Planning and Engineering Staff believed this was a very, very important element with the bridge project; pedestrian safety and traffic calming for the District.

The island would work with the bridge to help keep the narrow focus and aesthetic as traffic enters the Village and will work as a safe, pedestrian refuge, and hopefully also act as a traffic calming island, which everyone has agreed is the most important aspect associated with the bridge project.

Mr. Delacourt stated the reason the mid-block crossing was so important was because there was a pathway on the north side of Tienken that just came to a dead end. City Staff believed the addition of any type of pedestrian facility associated with the bridge would be an attraction and generator for pedestrian movement. City Staff thought it was very, very important to give pedestrians a safe place to cross. The area would not meet warrants for a lighted intersection, and the mid-block crossing would give pedestrians the best opportunity to move from that pathway on the north side of Tienken to the south side of Tienken. He explained City Staff had requested the mid-block crossing far into the Road Commission's design process, and appreciated their assistance. He reminded the Commissioners there was a participatory cost that would have to be approved by City Council, but there would be a cost savings to the City to have it designed, incorporated and built as part of the project rather than being done separately. Staff hoped the Commission could take action on the mid-block crossing at this meeting if the bridge is approved so Staff could move forward with a cost estimate to City Council and incorporate it into the Road Commission's design on the same time table as the bridge project.

Chairperson Dunphy called for discussion by the Commission.

Ms. Franey asked where the mid-block crossing would be located. Mr. O'Brien referred to the drawing and explained it lined up with the ingress right side of Clear Creek, noting the location of the Clear Creek inbound/outbound approach. He stated the nose of that island was about 40-feet to the east of the intersection of Clear Creek and Tienken Road.

Ms. Franey asked if visually it was at the tail end of the center lane. Mr. O'Brien concurred it was and referred to the drawing, noting the heavy dark lines depicting how the center lane tapered before they reached the bridge in order to minimize the width of the bridge.

Mr. Dziurman stated he was sorry he could not attend the August 20th meeting. He stated he personally felt he was like a congressman that just received a 1,000 page situation and had to pass it without even reading it. He stated he had not read all the information, and in addition to that the Preliminary Report of the Mayor's Advisory Committee related to the Stoney Creek and Winkler Mill Pond Districts that the Oakland County Planning and Economic Development group put together had just come out. He thought they had some wonderful recommendations in the report and they related to the bridge. In his opinion, he thought that any motion

for the bridge should incorporate those recommendations. He just got this material last night and personally did not want to vote on it at this meeting. He wanted to be able to digest all the information he received, noting the Commissioners had received more this evening, and then put together an appropriate recommendation. He stated the bridge had come a long way since they started and he thought he could support the bridge with his vote but he would want to have certain conditions attached to that, which is what he was talking about right now. He was not prepared and could not by any stretch of the imagination put all this together with just the information he just got in the last couple of days. He wanted to pass that on.

Dr. Stamps agreed and stated he thought they were miles ahead and it was looking good. He asked about the Mayor's Advisory Committee Report, noting he could not find that in his packet.

Chairperson Dunphy clarified it was a draft report that had not been approved yet. It is available on the Planning and Development page of the City's website. There are still sections missing and it is not complete at this time. He noted it did have some recommendations that relate to the bridge, which he had read. He was not convinced personally that it changed much in terms of what the Commission was trying to do in their process. Whether it was something the Commission needed to include in their deliberations or delay any further consideration until the Commission had a chance to absorb the report, he personally was not convinced. It was something that was currently a work in process and was labeled as such on the website. To the extent that report should drive the Commission's process he had some reservations about.

Dr. Stamps asked when the report would go from draft to a finished report. Chairperson Dunphy asked if Mr. Delacourt had some idea of when that would happen. Mr. Delacourt expected it would be sometime in October.

Dr. Stamps thought if the Mayor had been gracious enough to put together an Advisory Committee and gather information, it would be useful to look at it. He asked if there were some deadlines such that if the Commission did not make a decision at this meeting, that would endanger something. Mr. O'Brien stated the Road Commission had bid letting deadlines to meet. He explained they were looking at a February bid letting and were trying to let both the Parkdale and the Tienken bridges at the same in order to better coordinate traffic control in the area, as well as school scheduling. As the process is delayed, they could potentially end up with two separate contractors and having more roads closed at the same time, which is not desirable for the City from a mobility perspective. The Road Commission is trying to keep everything on track at this time.

Mr. Dziurman appreciated what the Mr. O'Brien was saying, but commented he remembered when this project started and stated he did not think the Commission had delayed anything. He will not vote in favor of the project if he had to vote at this meeting because he had too much information in front of him that he had not read and he refused to vote on something he did not have all the information for. He got the attitude the Commission was trying to delay the project for the Road Commission and he did not accept that.

Mr. O'Brien stated he did not mean to imply that. Mr. Dziurman stated he would like to work with the Road Commission and wanted to work with them, and noted everything was starting to look more "approvable" and they had all come a long way. He thought another month, if that is what it took, as he was not prepared until he had all the material. He commented "we criticized our own Congress about this" and the Commission would do the same thing and he did not accept that.

Mr. Delacourt pointed out that the full application package and all the information supporting the applicant's request was almost identical to what was provided for the August 20, 2009 HDC meeting. There has been no change to that information other than the retaining wall and the addition of the mid-block crossing. He stated he had been a part of the Mayor's Advisory Committee and noted Ms. Luginiski attended the presentation of the draft recommendations and the subsequent discussion. Those recommendations did not play any role in the Commission's decision. That being said, the Advisory Committee's recommendations supported the exact bridge; did not ask for any changes, and does not propose any changes. The only thing that was different between the Advisory Committee's recommendations and the initial discussion of the bridge last August was that the Advisory Committee supported the addition of the mid-block crossing. He reiterated that the only difference between the information submitted for the August 20th HDC meeting and the information submitted for this meeting was that the submittal was more in conformance with the Advisory Committee's recommendation.

Mr. Delacourt stated that the applicant had submitted a full request and had appeared by request in front of the HDC three other times when they were not required to do so. The Road Commission did that at the request of the HDC. Whether or not members of the HDC feel that was enough or not was irrelevant. The applicant has submitted a full packet and was requesting that the HDC act on it at this meeting, unless he misunderstood the request. All of the information was available last Friday (September 4, 2009) for review by the HDC, the same as any other meeting packet information is available. He wanted to clarify for the record that the changes have been detailed and pages and pages of different information had not been provided for this meeting. There was new cross-section detail dealing with the retaining wall and the addition of the mid-block crossing provided for this meeting.



Mr. Delacourt stated that the Mayor's Advisory Committee Preliminary Report was a draft and was outside of the HDC process. He noted that projects contained in that report would require HDC review and approval if they went forward. There was nothing additional in that report that was not supportive of what was being presented at this meeting or what was presented for the August 20th HDC Meeting, and what was available in the packet last Friday. There was no difference and he thought he would state that for the record.

Dr. Stamps stated that typically when the Commission made a motion they had a list of conditions regarding things such as colors and paint samples, and noted he was not sure he had all that material. He liked the recycling of bridge pieces, and liked the galvanized as he thought that was fine. He asked what it would be welded with and what color those would be. He supposed the Commission could make an exception to the rule, but that would be opening a slippery path. He apologized as he was out of town and missed the last meeting, and commented perhaps the rest of the Commissioners understood the material better.

Mr. Delacourt stated that all proposed colors had been identified in the plans and proposed motions had been included in the packet material. The conditions indicate the railing will be galvanized and the plans indicate the rest of the bridge would be galvanized steel posts or concrete material. He stated more information had been included in this packet than any request he had seen submitted to the HDC since he had been involved with the Commission. He did not see where the packet lacked any information related to what the Ordinance required for the HDC's review and approval. In addition, the applicant had provided pictures showing the materials and was willing to listen to any requirements as far as colors, which the applicant had just presented. He noted the pictures were not required by the Ordinance, but supplemented based on the request of the Commission at the last meeting. He wanted to be clear that the packet was complete and was available last Friday for review in relation to this applicant's request.

Mr. Miller thought everyone had come a long way on the bridge, and he was not sure what was left in terms of questions. He commented there were questions about a separate pedestrian bridge, and while the Commission had not received drawings or proposed engineering plans for that, it was discussed at the last meeting with the City Engineer, including the ballpark figures for a separate pedestrian bridge. He was not sure under the current circumstances with the proposed bridge drawings that had been submitted, that he would be willing to vote against the bridge because it included a pedestrian bridge.

Mr. Miller stated he took exception to the comment about the Mayor's Advisory Committee report. He acknowledged it did not have any veto power or authority over the Commission's decision, but it was put together with this project in mind. The report discussed the Stoney Creek Bridge and discussed the approach, and indicated it was the most important part of what they were discussing. He thought

it was appropriate to take even draft recommendations into consideration. The Advisory Committee listed a number of specific recommendations for the bridge replacement, and he hoped in the future information like that would be included with the packet material. He commented he understood the information just came out yesterday or early this morning and there was not much time to give the Commissioners a heads up it was available.

Mr. Delacourt stated it had been available on-line for a considerably longer time. Mr. Miller stated he hoped the Commission would be made aware that information was available.

Chairperson Dunphy stated he had received some requests for public comment, which he would take at this time.

**Melinda Hill, 1481 Mill Race**, stated that last May she addressed City Council during Michigan Preservation Week indicating that "we deserve better because this place, referring to the Stoney Creek Historic District and our National Register Historic Village, deserves our fullest attention". She was here with the same message: "we deserve better". It was interesting that almost a year ago the Road Commission for Oakland County knew they were going to replace the bridge over Stoney Creek, yet it was only publicly presented at the May HDC meeting. Interesting that the Mayor formed an Advisory Committee almost a year ago in his words "to help protect and improve two of the greatest resources the City enjoys", the Stoney Creek and the Winkler Mill Historic Districts. Yet, the Preliminary Recommendations presented two weeks ago were not included in the Commissioner's packets this evening. The Committee provided recommendations under six topics: vehicular speed, truck traffic, Washington Road, Stoney Creek bridge and approaches, pedestrian connectivity and safety, and design elements. The most critical goal being to reduce the travel speeds through the Districts, yet no one seems to be willing to really address the issue. The importance of the Stoney Creek Bridge "historically serving as the gateway to the Village" was heavily emphasized. Eight very doable recommendations were provided and would enhance the proposed replacement bridge. These recommendations were made by a Committee composed of City Staff, Oakland County Planning and Economic Development and the Road Commission for Oakland County, with a great deal of input from the public. Yet, very few of these recommendations being proposed are implemented in the request before the HDC. The Federal government, the Governor of Michigan and MDOT all openly embrace providing an extensive amount of public information, context sensitive solutions for road building. AASHTO allows a great deal of flexibility for context sensitive solutions, yet the Road Commission has shown resistance in embracing and implementing such processes. Other parts of Michigan and this Country are creating better places for the future by implementing context sensitive solutions, "why shouldn't we". What could be more sensitive than our heritage.

The present narrow bridge acts as a traffic calming device, one of many needs in this area. It is a natural gateway to the Stoney Creek Village, the place of this Community's beginnings and primary component to help enhance the Community's economic and development future, even the Mayor is saying so. There is no reason why a separated cantilevered pathway cannot be created for this crossing, one that would be considered part of the bridge structure, meet safety requirements, receive funding, and be creative looking, exciting and preservation minded. Other places are doing it, it's our money, and "all of you work for us". Instead of excuses why we cannot, let's provide solutions that show we can. It is our bridge and we ("the Community"), this place ("the Village") deserve better.

**David Tripp, 960 E. Tienken Road**, sincerely thanked Mr. O'Brien, Mr. McIntee and the Road Commission for working with them. He realized what they were doing was out of the box for what they normally did, and a number of residents truly appreciated the extent to which they worked with the residents to make this project more palatable to the residents. He stated some would argue that this is where we should have started had we had some public input prior to the initial design, but he understood this was outside the realm of what the Road Commission normally dealt with and appreciated their efforts. He was concerned there were a couple significant resources that were not taken advantage of, such as the Mayor's Advisory Committee which was put together precisely for projects like this in the Stoney Creek and Winkler Mill Historic Districts. He found it interesting that a number of the Commissioners were not aware of that process or the Preliminary Report that had been on the website since the 26th or 27th of August. He thought it was remiss not to use the output from that process. He noted the Oakland County Planning and Economic Development Department was asked by the Mayor to assist in the project and included many very talented people with input from the public. He stated a Section 106 review had not been taken advantage of, and he had been arguing since January that review should have been initiated by now. He had been told no Federal funds were being used for the bridge; however, his research pointed to the contrary. He had an MDOT office memorandum on a local bridge program report dated 2008 that specifically discussed a combination of State and Federal funds being used in the local bridge program. He also had a State of Michigan presentation that talked about House Bill 5319 funding which clearly states that the local bridge program was a combination of State and Federal funds. He commented that a Section 106 review did not have to be long and drawn out and did not have to delay things. If it had been started, it might have been completed by now. It would bring additional resources in to help look at the potential impacts of such a significant project, and other impacts to the Village that might not have been thought about. With such a significant project as the bridge project, he did not think anyone wanted to look back on it after it is completed and say "we should have thought of that".

Mr. Delacourt stated he had participated in the Mayor's Advisory Committee, and had made the Commission aware of the August 26th presentation. He stated he announced at the end of the last HDC meeting that the recommendations were being presented and that the results would be made available on the City's website. It was not accurate to say that the HDC had not been made aware of that.

Mr. Delacourt stated that the Mayor's Advisory Committee consisted of City Staff, members of the Road Commission for Oakland County, Oakland County Planning and Economic Development, and the Mayor. The Committee met with residents of both Historic Districts and came up with a series of recommendations, which coincided with the review of the bridge project by the HDC. When he said the Mayor's Advisory Committee's report was not relevant to the HDC, it was relevant to the entire District. It did not impact the Commission's formal review of this applicant's request. The applicant has a right to submit a project and have it reviewed against the Secretary of the Interior's Standards and the guidelines outlined in the City's Historical Preservation Ordinance.

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Mr. Delacourt noted that the Mayor's Advisory Committee supported the proposed bridge and recommended approval of the bridge. The Committee actually put the rendering of this bridge on the screen during the presentation of its recommendations and said it felt the bridge accomplished all of the statements that were the purpose of the Committee. The Committee made other recommendations or proposals, none of which were part of this applicant's submission, and noted the applicant was not asking approval of those recommendations. The Committee appreciated the fact that the applicant included an additional recommendation of the Committee as part of its submittal, which the Road Commission was not required to do, but did so in response to the Committee. He explained the mid-block crossing was included based on that recommendation.

Mr. Delacourt stated the applicant was not responsible to include other pieces of the Advisory Committee's Preliminary Report in its request. The rest of the report was not relevant to the applicant's request.

Mr. Delacourt explained when the bridge was reduced to 40-feet, the Advisory Committee agreed that the bridge with the attached pedestrian pathway did less damage to the integrity of the District, the vegetation east of the installation, than any separated pathway could ever do.

In relation to what the City Engineer proposed, Mr. Delacourt explained the City Engineer presented two detailed cost estimates at the August 20th meeting. Those

detailed cost estimates utilized the old King's Cove pedestrian bridge. The City Engineer also displayed site plans on the overhead projector showing the exact location of that bridge eleven feet separated from the motor bridge. There were also cost estimates presented for a separate pedestrian bridge separated by more than 30-feet from the motor bridge. Detailed plans and detailed costs estimates associated with that bridge were presented to the HDC at the last meeting, of which no additional requests for information were made. Since then, and since the packets were given out last Friday, Staff had not received any additional comments, questions or requests for clarification. He was surprised by the comments tonight regarding that. He stated he would be happy to meet with any Commissioner after this meeting to review any of those plans related to a separated pedestrian bridge. The cost was well in excess of \$200,000.00. With respect to the pedestrian bridge separated by eleven feet, it was the City's recommendation that it would cause more damage to the property east of the bridge, and the pedestrian bridge separated by over 30 feet did the same. That information was presented at the last meeting and there were no requests or concerns or questions at that meeting. He wanted to clarify those points, especially in relation to the Mayor's Advisory Committee.

Mr. Miller stated he heard Mr. O'Brien say he was told by the SHPO office that although it had not been submitted for the Section 106 review, they had advised Mr. O'Brien accordingly. Mr. O'Brien stated SHPO indicated they would have looked at the plans as proposed and found no adverse impacts. He noted that was a direct statement from the SHPO representative.

Mr. Miller asked if that included the use of the vintage railing. Mr. O'Brien stated what was presented to SHPO and discussed at the meeting, was exactly what the Commissioners received in their packet, including the vintage railings and the two-tube open barriers. SHPO saw the vegetative wall, and the Road Commission made it clear at the meeting they would be looking at more of a vertical wall because of the separation to the watermain and to minimize vegetation impacts adjacent to that wall. Mr. Miller commented it had also been made clear to the Commission that the Road Commission was planning on the vertical wall.

Mr. Miller stated he was aware of the Mayor's Advisory Committee meeting on August 26th, but was not aware the Preliminary Report had been issued. He referred to the bridge project and agreed the Road Commission was entitled to a decision. He noted the Commission only had one opportunity to approve the project, and asked if changes could be made after the approval was granted. Mr. O'Brien stated the Road Commission consistently adjusted plans up until a final plan date. He explained if a change was something minor, such as an aesthetic treatment that required some other cost participation necessary from a City perspective that would need to be included, the Road Commission would submit that to the City for inclusion, provided it was not a monumental change such as increasing the bridge from 41-feet to 46-feet or some scenario like that. From the Road Commission's perspective, minor adjustments can be made, depending on size and scope.

Mr. Miller commented he had seen some projects adjusted even after they were built. Mr. O'Brien stated the Road Commission was agreeable to considering additional requests depending on the scope of the change and the cost implications.

Mr. Miller asked if a decision was not made until October, if that would prevent the Road Commission from putting the project out to bid, or if that additional month would cost the Road Commission putting both projects out to bid at the same time. Mr. O'Brien stated that from a State-funded project perspective, the Road Commission does not let the projects internally. They are let through MDOT and the Road Commission follows MDOT's schedule. At this time they were looking at a February bid letting, if they submitted plans tomorrow. For bids let in February, the contractors have up to 60 days to sign contracts and get underway - taking the projects to April. At that point they would encounter stream restrictions due to the Michigan Department of Environmental Quality (MDEQ) because of the fish spawning period, and other restrictions.

Mr. Miller understood those matters, and asked if the Road Commission did not receive the Commission's approval for another 30 days, whether that would prevent the Road Commission from meeting the timeline required for that February bid letting through the State. Mr. O'Brien responded it would.

Mr. Kilpatrick referred to the comments made by Mr. Tripp during Public Comment, and noted the Road Commission had satisfactorily answered his own questions regarding the Federal funding, but asked if Mr. O'Brien could clarify again there was no Federal funding involved with this project and no Section 106 review.

Mr. O'Brien stated there was no Federal funding included with the Tienken Road Bridge replacement. Mr. Kilpatrick asked how Mr. O'Brien's response changed from Mr. Tripp's comments with respect to the letters and memorandums he had. Mr. Kilpatrick asked if there had been a change or what had happened with respect to that matter. He noted Mr. Tripp indicated bridges included joint Federal and State funding, but that had changed on this bridge project.

Mr. O'Brien explained the local bridge program as a whole does contain both Federal and State funds. Out of that program, this bridge is funded wholly with State funds. Therefore, the Section 106 review process does not apply.

Mr. Kilpatrick asked why this bridge project was taken out of that Federal funding. Mr. O'Brien responded it was up to the State as to how they allocate the funds to particular projects. He explained it depended what was left in the pots, noting the State can mix funds for a particular project; they solely fund them with State funding, or they wholly fund them with Federal funds. This particular bridge project was wholly funded through State funds.

Mr. Kilpatrick clarified it was not up to the Road Commission or the County had nothing to do with the funding, rather it was presented to the Road Commission that "this was how the bridge was funded". Mr. O'Brien responded "yes".

Mr. McIntee added the Section 106 is a process and pointed out the Road Commission followed the process without having to file the letters that mirrored the process. He explained the Road Commission met extensively with the SHPO Office and asked them the questions that the Commission had asked. He stated they met with SHPO just two weeks ago and asked questions such as "if this were Federally funded, would SHPO's comments be any different". The answers were "no". In SHPO's determination, there was no adverse affect as a result of the proposed plan.

Mr. Kilpatrick asked if SHPO seemed to indicate they wanted a Section 106 review. Mr. McIntee stated the Road Commission mirrored what a Section 106 review would encompass, noting they probably went well beyond the minimum requirements for a Section 106 review. Since it was not Federally funded, SHPO (in their minds) did not have formal authority to comment on the project. Mr. Kilpatrick commented that was fair enough.

Mr. McIntee further explained the Road Commission had asked extensively about the colors of the railings and if SHPO had any viewpoint or perspective on the railings, the answer was "no". According to the SHPO office, any color would be fine as there was no historic color to use on the railings. That would be an aesthetic question, and the Road Commission was open to the Commission's comments. He noted if the Commission had a position they wanted to communicate to the Road Commission in the next month or two, the Road Commission could include that, and presuming there was a way to fund it, the Road Commission would be happy to accommodate that.

Mr. Kilpatrick stated Mr. O'Brien had been before the Commission several times and he thought Mr. O'Brien had been thoroughly prepared and given everything the Commission had asked for with respect to the packet, and thought he was entitled to a decision. He thought the Ordinance required the Commission give the Road Commission a decision. If the Commission was concerned about the report that came from the Mayor's Advisory Committee in the sense it would make a difference in the Commission's decision such as requesting different railings or other features to the bridge, he might be open. But if the Commission was looking for that report just to delay the decision another month, he did not think it was fair to the applicant. He thought out of all the applicants that have come before the Commission, this applicant would rate fairly high with respect to how he had been prepared; how he had treated some tough questions from the Commission, and had

gone beyond his responsibility of providing information and trying to be cooperative, and he was entitled to a decision. He asked if the Advisory Committee report would be used because it would make a difference on what the Commission recommends, perhaps he might entertain holding the vote another month, but if it was just being done to delay the project another month, that was not the purpose of this Commission.

Ms. Luginski stated she wanted to agree with Mr. Kilpatrick. She did not think any Commissioner wanted to delay things. She thought the Commissioners were pleased with the progress that had been made and they could acknowledge the Road Commission had heard and had listened. She wanted to acknowledge the #1 issue in this was the Historic District. She appreciated the professionalism and responsiveness of the Road Commission, but the most important thing was the Historic District. She thought they were getting very close. She asked for a detailed understanding of the timeline specific to this applicant and this situation.

Mr. Delacourt asked for clarification on what timeline Ms. Luginski was referring to. Ms. Luginski asked when a Commission decision was due. Mr. Delacourt explained the decision was due when the applicant requested review and approval. He stated the Ordinance required that if no action was taken within 60 days, it was an automatic approval. He stated the submittal of the application controlled the timeline for the request.

Ms. Luginski asked how far the Commission was from that, and asked if it had been three weeks since the submittal of the application. Mr. Delacourt stated it had been just over 21 days.

Ms. Luginski stated the Commission technically had a considerable amount of time left to make this decision. Mr. Delacourt stated the applicant could request a vote at this meeting.

Ms. Luginski stated she recalled Mr. O'Brien had mentioned at the last meeting that he hoped for a decision at this meeting. She did not realize he was serious. She stated it was not a problem, but she personally did not feel a lot of pressure to make a decision at this meeting. Because it had been three weeks, they had more time, and she was hearing the Commissioners had questions about the recommendations from the Oakland County Planning and Economic Development group as they were professionals and had some things to say about the bridge.

Ms. Luginski referred to the comment about things being added to the Advisory Committee's Preliminary Report, but that was not how she read the report. She stated the items specific to the bridge, such as the component about wooden posts with corded railings as opposed to a guardrail, was in the report and was something



she personally would prefer. Those were the things the Commission wanted to have time to look at to see if that was what they preferred, rather than coming back in four weeks or a couple of months and asking for something to be added. She wanted to know if that could be worked out before they finalized things.

Ms. Luginski stated that traffic calming seemed to be the issue and she greatly appreciated the mid-block island crossing. If the Commission could review some of the traffic calming recommendations to determine if they applied to this situation or not, or if there were some components recommended by the Advisory Committee that the Commission could put in place now.

Mr. O'Brien stated he had reviewed a copy of the Preliminary Report from the Mayor's Advisory Committee. In reviewing the recommendations as they related to the bridge and its approaches, he believed the Road Commission had complied with every one of them except for one. The Report suggested using something else other than the standard steel guardrail approaches. He explained the post and cable rails were not appropriate for a bridge ending or a crash barrier when coming into a fixed object such as the concrete endings. It has to be the beam guardrail from a safety perspective. He stated there was no give on that one. He noted from an aesthetic perspective relating to traffic calming, such as a fieldstone wall off the path or some other suggestion, became a non-participating cost from the bridge project perspective. The Road Commission would look to the City to wholly fund those types of requests. He explained those types of requests, if aesthetic in nature, can be added at a future date providing there is funding identified. He stated in reviewing the Advisory Committee's draft recommendations as they relate to the bridge, he believed the Road Commission had complied with seven out of the eight recommendations, other than the beamed guardrail which the Road Commission cannot do.

Ms. Luginski stated she was disappointed to hear that because she thought it sounded nice. Mr. O'Brien explained that if they did not use a progressively more rigid barrier as they approach the bridge railings, when a car strikes that, a car will deflect and snag the end of that bridge barrier and create catastrophic damage to both the vehicle passenger compartment and the passengers in that compartment. From a crash worthiness perspective, those were the restrictions the Road Commission had to operate under.

Ms. Luginski added there were opportunities upon entering the bridge or on the bridge or just before and after to install a strip of cobbled roadway that would provide an audible or physical feeling of entering something. She stated those were some of the things the residents had discussed with the Mayor's Advisory Committee. She thought those things the Commission might want to address, although she did not see that in the Preliminary Report.

Ms. Luginski asked if Staff was going to provide the Commission with a "decision trail" on the Section 106. She stated that had been discussed during the meetings between the residents and the Advisory Committee. She wondered if some document had been produced that could be shared with the Commission.

Mr. Delacourt stated there was no document. He explained both the Road Commission and MDOT had been contacted, and both indicated they had no trail of Federal funding being used for this bridge. He did not have any documentation that said that and stated he had spoken to a representative at MDOT associated with the bridge projects. There was no indication that anything the Road Commission provided or anything they said about funding was inaccurate. No one expressed concern to Staff that Federal funding was being used or a shell game being played with the funding.

Ms. Luginski stated she did not think anyone was suggesting that, but just wanted a black and white answer on how the funding happened. For her edification, she was curious because she was not clear about what group made the decision on whether local or Federal funds would be used for a project. Mr. O'Brien responded MDOT. Ms. Luginski stated she thought she had asked that question before and thought it was the Road Commission. Mr. O'Brien explained that MDOT controlled both the State and Federal funds that come to the State as they are the clearinghouse and had the authority.

Ms. Luginski stated that according to her notes, October 5th was supposed to be the Road Commission's target date for something. Mr. O'Brien suggested it was the date for the grade inspection (GI). Ms. Luginski thought that was probably it. She stated it was mentioned in her discussion with Mr. O'Brien after the last meeting. She noted the Commission would not meet again until October 8th.

Mr. O'Brien did not recall as that conversation occurred back in May or June. He stated if the Road Commission was targeting an October 5th GI, they would submit plans three weeks in advance of that. He explained MDOT needed time to review, then there was a grade inspection, and they progressed to final plans. He stated they had to submit final plans for a February bid letting in the early part of December. He mentioned they still had right-of-way to acquire for the project and there were many wheels in motion.

Mr. Thompson echoed Mr. Kilpatrick's comments, noting he had an opportunity to review the Advisory Committee's recommendations and did not see anything in that report that would delay the Commission. He stated he was prepared to move the motions when the Chair was ready.

Mr. Kilpatrick noted that the Road Commission was proposing a different retaining wall with a different design that did not slope as much. Mr. O'Brien stated it was a near vertical wall, because the blocks were slightly offset, noting he believed it was about an inch or half an inch offset on a block. Mr. Kilpatrick asked if there would be the opportunity for vegetation.

Mr. O'Brien stated on those particular blocks there was not. He explained when the blocks were placed in an unkempt area, essentially vines climbed up the face of the wall and encompass the wall. He stated there was no provision to plant anything in the wall. Mr. Kilpatrick stated it would take longer for the vegetation to take root. Mr. O'Brien concurred. Mr. Kilpatrick indicated he was prepared to vote on this matter whenever the Chair was prepared for the motions to be made.

Mr. Dziurman asked for clarification about the lights for the mid-block crossing. Mr. O'Brien stated the crossing had to be lit. Mr. Dziurman asked how it would be lit. Mr. O'Brien indicated street lights would be used. He clarified the responsibility of the lights and the maintenance of the lights was a City responsibility. If there was a request for a particular light standard, it would be up to the City to cover the costs over and above a normal street light. He explained Detroit Edison had a set of stock light fixtures.

Mr. Dziurman asked if there were any pictures of the lights. Mr. Delacourt explained the City would have to come before the Commission for approval of the lighting. He stated any approvals made by the Commission regarding the mid-block crossing would be conditioned on the City bringing that back before the Commission for review and approval. Mr. O'Brien stated he did not know what the City's policies were regarding street lights. He noted the City of Farmington Hills had a particular light standard they use throughout the community for purposes of uniformity. He stated if the City wanted a different street light fixture versus a standard cobra head, it would have to be discussed with the City as they were ultimately the funding party.

Chairperson Dunphy asked if the mid-block crossing would also require signage, similar to the standard yellow and black caution-type signage. Mr. O'Brien stated that was correct and explained it was typically mounted on a span wire across the crossing itself to alert motorists it is a marked mid-block crossing.

Mr. Delacourt referred to the timing questions discussed earlier. He stated if the Commission wanted to see specific changes to the applicant's request based on the Advisory Committee's Preliminary Report, or changes because the proposed bridge did not meet the Secretary of the Interior's Standards, he suggested those changes be proposed at this meeting. He explained if they are not proposed until the next meeting, there was no time to change the plan and come back with a revised request by the following meeting. He noted the Commission would bump up against the 60-day timeframe outlined in the Ordinance, if those specific changes were not suggested at this meeting.

Mr. Delacourt referred to the mid-block crossing noting if any lighting was involved, it would be the City's responsibility and cost. He suggested if the Commission was comfortable with the mid-block crossing and decided to move on it, the motion include a condition that any lighting, signage or anything else under the purview of the Commission be brought back for a separate approval. He explained before the City could go to City Council with those costs estimates, the City wanted to know the Commission supported the mid-block crossing, and would like to know any conditions or additional information the Commission wanted. He explained the City would bring that detail back at a separate date. A motion from the Commission would be helpful to allow the City to go before the City Council with the cost estimates to incorporate them into this package. Alternatively, the Commission could acknowledge they would like to see the mid-block crossing included.

Ms. Franey stated the Advisory Committee Preliminary Report contained notes regarding weight limits, speed and those types of things. She asked how she would address those issues as she did not believe they were included with the project before the Commission. She did not feel she could say yes until those issues were addressed. She thought the Road Commission presented exactly what the Commission wanted as far as the aesthetic point of view, the size, the width, but she was not comfortable approving based on what the Commission was trying to salvage and save.

Chairperson Dunphy clarified the Commissioners had received a letter in their packet from the City Attorney that indicated what the Commission can and cannot do within the powers of the Commission. Specifically, that involves putting in weight restrictions. That was the reason the Commission was not being asked to address that because it was outside the Commission's purview.

Mr. Delacourt stated there was action that Commission could take outside of the applicant's request for review. He stated the Commission could request City Council to pursue certain Traffic Control Orders (TCOs). He thought it was within the Commission's prerogative to make a motion requesting TCOs be pursued by City Council through the Road Commission for Oakland County that try to either control speeds; reduce speeds; restrict trucks or posting the Districts for no trucks. He explained that was the appropriate avenue separate from the applicant's request. He noted those motions could be made at this meeting or he could provide motions for the Commission's consideration at another meeting.

Ms. Franey asked if those motions were proposed at this meeting, whether they would be discussed at the next City Council meeting, which would give the Commission some answer from City Council by the Commission's October 8th meeting and still be within the 60-day timeframe.

Mr. Delacourt reminded the Commission those requests are separate from the review of the applicant's request. He explained the motions would go to City Council as quickly as possible, and City Council would act on them as Council felt was appropriate. He pointed out that City Council might request additional information from the City's Traffic Engineer before acting. The two issues are separate.

Mr. Dziurman stated there was a purpose for asking about the weight limits on the bridge. He explained it was because the homes were being affected by traffic, and did not have anything to do with the Secretary of the Interior's Standards. The Commission was required by Ordinance to try to protect designated properties. The whole point was to protect the properties. He did not care what the weight limits are if it can be shown it will not harm the properties. What is there now is harming the properties, and if it is increased, it will harm it even more. He said the Commission was demolishing its own structures that they were supposed to protect by approving the applicant's request. That is why he wanted another month to make sure the Commission had all the conditions they could have. He did not care what anyone said, if the decision was to say yes, it was a done deal. He stated the Commission could come back and ask for changes and might get one thing, but if the Commission had serious reservations and wanted certain things, now was the time. He was not prepared to make that motion and he would not vote for it at this meeting even though he could support this bridge. If he got the right motions, he would support it, but could not do that at this meeting because he did not have all his information in front of him and he wanted to read it. He took this very seriously and would not do it haphazardly.

Dr. Stamps asked if Ms. Kidorf had some additional insight knowing the concerns and issues. He appreciated her written letter and asked if she might have some additional thoughts.

Ms. Kidorf cautioned the Commission to be very careful they were justifying the Secretary of the Interior's Standards. She understood the other concerns such as traffic calming and protecting the historic properties in the Village, but the Commission's job as a Historic Districts Commission in Michigan was to react to applications as they are presented; evaluate whether those applications meet the Secretary of the Interior's Standards for Rehabilitation, and if they do, issue a Certificate of Appropriateness. The other concerns about protecting properties in the Village, the Commission needed to go another route. Those concerns fell under the Commission's purview, but not as that relates to this application. The Commission would petition City Council to do something about the problem in the Historic District, noting the bridge was not the cause or solution to that problem of truck traffic or traffic calming. She thought there were two separate issues, and again cautioned the Commission to be sure when reviewing applications, they were doing that review in accordance with State Law.

Mr. Miller stated it was helpful to keep that in mind. The issue of speed, the amount of traffic, the size of the bridge, and the width of the bridge had been much of his concern. He did not feel good about the existing bridge that traffic travels over at 45 or 55 mph. He stated if the lanes were made wider and the bridge approach was made wider, traffic would only continue what it did now and perhaps speed up. Hence, the importance of the guardrails before the bridge abutments. He commented hitting one at 25 mph was nasty; however, hitting one at 55 mph was a tragedy.

Mr. Miller stated that the historic part of the Village from 1830 to 1950 was all gravel roads and the bridge was probably a small, wood bridge. Bringing in a two or three lane asphalt highway, with 80-foot rights of way, with wide concrete bridges, lost sight of the historic nature of the Village itself. Especially when the roads and bridges are right through the Village. That has been his concern from the beginning. He was aware he could not convince the City nor the residents nor the Road Commission to tear up the asphalt and take the road back to gravel and make it narrow and curvy which would slow the cars down but would create other issues and problems.

Mr. Miller understood the Road Commission's job was not to calm traffic down, but to move it through as quickly and safely as possible in overall traffic patterns. He stated that hearing everything he had heard at this meeting, he did not think the Commission was going to get better than this bridge. Personally, he knew if the lanes were 8-feet wide with 4-foot abutments on either side, traffic would slow down. He did not think he could get that.

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Mr. Miller stated that none of the Commissioners were road experts nor road or bridge designers. Hearing what the Commissioners had said about wanting to visually slow traffic, he thought the mid-block pedestrian island was a start. He thought some traffic calming might be incorporated in the road itself, but noted that was not within the Commission's purview.

Mr. Miller agreed if time was of the essence in moving this project forward, there was a lot of time available to the Road Commission and the City to bring the project before the Commission much earlier. He thought it was helpful for the Road Commission to receive feedback from the Commission and there had been good progress. He commented it was too bad there was not a bit more time just so the Commissioners could feel good they had done everything they could do, including City Staff, the Mayor, and the residents who would be most impacted by this decision.

Mr. O'Brien referred to the pedestrian island, and noted they were extending the curb on the inbound side for eastbound traffic approaching the bridge. Currently,

there is a small bit of curb on the west side of the bridge; however, it is primarily open shoulder. With the addition of the curb, it pulled in the narrowness feeling approaching the District, probably more so than what exists today. He stated they did add that to the plans.

Mr. Kilpatrick asked if there was anything that could be put on the surface of the road on the bridge such as cobblestone or grading. Mr. McIntee stated that was very noisy and was not done in a residential area. He stated it would be removed within a week. Mr. O'Brien stated that while it may give an aesthetic look, you would not want to be the homeowner immediately adjacent to the bridge. He noted stamped concrete crosswalks had been used at Farmington Road and Grand River Avenue, and traffic travelling the posted speeds over them was very loud. The residents living adjacent to that, even at a 25 mph speed limit, would be kept up at night.

Chairperson Dunphy called for additional discussion from the Commissioners. Hearing no further discussion, he asked if the Commission was ready to move the motions. Mr. Miller preferred the motion regarding the mid-block crossing be kept separate from the bridge motions.

Chairperson Dunphy clarified the Staff Report contained in the packet contained sample motions for the Commissioners consideration, including a motion for the removal of the existing bridge, and a motion approving the new construction of the replacement bridge.

Mr. Thompson indicated he would move the following motion for approval as presented in the packet. Mr. Kilpatrick seconded the motion. Chairperson Dunphy called for discussion on the motion on the floor. Upon hearing none, he called for a roll call vote.

Motion regarding Removal of Existing Bridge:

**A motion was made by Thompson, seconded by Kilpatrick, that this matter be Approved. The motion CARRIED by the following vote:**

**Aye** 8 - Dziurman, Miller, Stamps, Kilpatrick, Dunphy, Thompson, Franey and Luginski

**Absent** 1 - Cozzolino

**RESOLVED** in the matter of HDC File No. 09-002 (Tienken Road Bridge over Stoney Creek) regarding the request for a Certificate of Appropriateness for the removal of the existing Tienken Road Bridge over Stoney Creek, the Historic Districts Commission **APPROVES** a Certificate of Appropriateness with the following Findings:

Findings:

1. The existing bridge is a noncontributing resource in the Stoney Creek District.

2. The bridge does not contribute to the character of the District and is not eligible for the National Register.

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Motion regarding New Construction of Replacement Bridge:

Mr. Thompson proposed the following motion to approve the new construction of the replacement bridge, seconded by Mr. Kilpatrick.

Chairperson Dunphy suggested that Condition #1 be amended to include the date of the plans submitted for this meeting as follows:

1. The proposed bridge construction and associated improvements shall be consistent with plans dated received from the Planning Department August 20, 2009 and September 10, 2009.

Both the motion maker and seconded agreed to amend Condition #1 as stated above.

Ms. Franey referred to Finding #5 and asked if a sentence should be added that if the bridge were to be removed, it would have to be approved by the Commission. Mr. Delacourt explained a Certificate of Appropriateness would be required for removal if the new bridge was constructed and at some point in the future someone wanted to remove it. It would follow the same process as the current existing bridge and would require a Certificate of Appropriateness to remove it. He stated that condition identified the criteria contained in the Secretary of the Interior's Standards that indicates that new features or features that are removed will not have a damaging affect to the integrity of the resource or this instance, the District.

Mr. Delacourt suggested one additional condition should be included indicating that if the bridge design were to be changed in any way, shape or form, or converted from what is proposed, an additional approval from the Commission would be required. Mr. Thompson suggested the following condition #9, seconded by Mr. Kilpatrick:

9. If the bridge design is changed in way whatsoever from what has been proposed, an additional approval would be required from the Historic Districts Commission.

Mr. Miller stated he could have serious questions about whether or not the plans actually fully comply with Standard #9. Specifically, when stating "it is compatible with the massing, size, scale, architectural features" which is not an objective question that falls under algebraic equations and is a scientific answer. He noted it was subjective and he had made it clear where he fell on the subjective point. He wanted to clarify that a "no" vote from a Commissioner may not be a



vote that the Road Commission was the evil empire playing games with the Federal and State money and conspiring to destroy the historic nature of the Village; it could simply be a desire to see a better plan than the one presented so far. He wanted to make that point.

Chairperson Dunphy stated that any decisions made by the Commission were subjective for the most part. That was the nature of the work the Commission did and why there were nine members on the Commission, to provide that variety of opinion and perception and interpretations of the Standards and how best to apply them, they arrive at a consensus of the best way to approach the requests. He agreed it was not a formula, and pointed out if it was a formula, the Commission would not be necessary because the formula could simply be applied. He stated it was the Commission's job to exercise that type of discretion and use their best judgment to make those decisions. He added if Mr. Miller was concerned about the wording of the motion, he could tweak the wording to make the motion more palatable. Mr. Miller indicated he was comfortable with the wording as proposed.

Chairperson Dunphy called for any further discussion on the proposed motion on the floor. Upon hearing none, he called for a roll call vote.

Complete Motion as revised and voted:

**A motion was made by Thompson, seconded by Kilpatrick, that this matter be Approved. The motion CARRIED by the following vote:**

**Aye** 6 - Miller, Stamps, Kilpatrick, Dunphy, Thompson and Franey

**Nay** 2 - Dziurman and Luginski

**Absent** 1 - Cozzolino

**RESOLVED** in the matter of HDC File No. 09-002 (Tienken Road Bridge over Stoney Creek) regarding the request for a Certificate of Appropriateness for a new bridge addition, the Historic Districts Commission **APPROVES** a Certificate of Appropriateness with the following Findings and Conditions:

Findings:

1. The subject site is a noncontributing resource within the Stoney Creek Historic District located in the City of Rochester Hills.
2. The architectural features, design, arrangement, texture and materials proposed are consistent with those of the Stoney Creek Historic District, and do not have a negative impact on the District.
3. The proposed bridge replacement is consistent with the Secretary of the Interior's Standards for Rehabilitation Numbers 9 and 10.
4. The new bridge does not destroy historic materials that characterize the District. The new bridge is different from the old and is compatible with the massing, size, scale, and architectural features of the District. The design of the bridge protects the historic

integrity of the District and its environment.

5. The new bridge is designed in such a manner that if removed in the future, the essential form and integrity of the Historic District and its environment would be unimpaired.

Conditions:

1. The proposed bridge construction and associated improvements shall be consistent with plans dated received from the Planning Department August 20, 2009 and September 10, 2009.
2. The bridge shall be two 12-foot motor vehicle travel lanes only.
3. Paved shoulders for the bridge shall be a maximum of two feet in width.
4. The attached pedestrian facility shall be a maximum of 8 feet in width.
5. The total bridge improvements shall be a maximum of 41 feet in width, as identified in the submitted plans.
6. Bridge guard rail shall be the two tube type, attached to eight foot concrete endings with standard type-B rail approach endings as identified on the submitted plans and details. All railing and posts shall be galvanized.
7. Pedestrian rail shall be consistent with the vintage R-4 railing details included in the project submittal. The railing shall be galvanized.
8. The plans shall be revised to relocate the foot of the proposed retaining wall to a distance to be approved by the City Engineer.
9. If the bridge design is changed in way whatsoever from what has been proposed, an additional approval would be required from the Historic Districts Commission.

**2008-0678**

Motion regarding New Construction - Mid-Block Pedestrian Crossing:

Mr. Thompson proposed the motion included in the packet regarding the new construction of the mid-block crossing, seconded by Mr. Kilpatrick. Mr. Thompson suggested the addition of the following condition #4:

4. The City Planning and Development Department will return for approval of any signage, lighting and other aesthetic mandatory physical elements associated with the mid-block pedestrian crossing.

Mr. Dziurman thought that Condition #4 conflicted with Condition #2, and stated he thought Condition #4 should be used because the Commission should review those items. Mr. Thompson agreed that Condition #2 could be removed, and the Conditions renumbered 1, 2 and 3. Mr. Kilpatrick agreed with that comment as the seconder on the motion.

Mr. Dziurman stated that information should be brought before the Commission for final approval.

Chairperson Dunphy clarified whether all of Condition #2 was being removed, or just the last sentence, noting the last sentence specified the materials. Mr. Thompson thought Condition #2 should be removed as Condition #4 indicated all materials and proposed materials be provided for approval.

Mr. Dziurman suggested Condition #2 be reworded as follows:

2. The proposed mid-block pedestrian crossing is planned to include a refuge island, lighting and overhead crosswalk signs, subject to formal approval by the Historic Districts Commission.

Mr. Dziurman thought that would provide the final oversight to avoid glaring lights, yet at the same time there had to be safety. He stated that would be the gateway into the Village and he was concerned about that.

Mr. Thompson stated he would leave Condition #2 in the motion and add "subject to final approval by the Historic Districts Commission".

Chairperson Dunphy clarified the wording of Condition #2 would read:

2. The proposed mid-block pedestrian crossing is planned to include a refuge island, lighting and overhead crosswalk signs, subject to formal approval by the Historic Districts Commission.

Mr. Thompson and Mr. Kilpatrick agreed to the change in Condition #2. He called for any further discussion on the motion. Upon hearing none, he called for a roll call vote.

Complete motion as amended and voted:

**A motion was made by Thompson, seconded by Kilpatrick, that this matter be Approved. The motion CARRIED by the following vote:**

**Aye** 8 - Dziurman, Miller, Stamps, Kilpatrick, Dunphy, Thompson, Franey and Luginski

**Absent** 1 - Cozzolino

**RESOLVED** in the matter of HDC File No. 09-002 (Tienken Road Bridge over Stoney Creek Replacement) regarding the request for a Certificate of Appropriateness for the construction of a mid-block pedestrian crossing on Tienken Road, west of the Tienken Road Bridge over Stoney Creek, the Historic Districts Commission **APPROVES** of a Certificate of Appropriateness with the following Findings and Conditions:

Findings:

1. The proposed mid-block pedestrian crossing will be a noncontributing resource within the Stoney Creek Historic District located in the City of Rochester Hills.
2. The architectural features, design, arrangement, texture and materials proposed are consistent with those of the Stoney Creek Historic District, and do not have a negative impact on the District.
3. The proposed mid-block pedestrian crossing is consistent with the Secretary of the Interior's Standards for Rehabilitation Numbers 9 and 10.
4. The proposed mid-block pedestrian crossing does not destroy historic materials that characterize the District.
5. The proposed mid-block pedestrian crossing is designed in such a manner that if removed in the future, the essential form and integrity of the Historic District and its environment would be unimpaired.
6. The proposed mid-block pedestrian crossing will provide a major pedestrian improvement.
7. The proposed mid-block pedestrian crossing will serve as an additional traffic calming element reducing traffic speeds in the District.
8. Funding for the proposed mid-block pedestrian crossing requires approval of the Rochester Hills City Council prior to construction.

Conditions:

1. The proposed mid-block pedestrian crossing and associated improvements shall be consistent with plans dated received from the Planning Department September 9, 2009.
2. The proposed mid-block pedestrian crossing is planned to include a refuge island, lighting and overhead crosswalk signs, subject to formal approval by the Historic Districts Commission.
3. The proposed mid-block pedestrian crossing is necessary to provide a safe route for pedestrian and other non-motorized traffic across Tienken Road to allow access to the pedestrian bridge located on the south side of Tienken Road. Due to topographic concerns and other constraints, no other pedestrian route exists on the north side of Tienken Road that can provide a safe pathway for non-motorized traffic.
4. The City Planning and Development Department will return for approval of any signage, lighting and other aesthetic mandatory physical elements associated with the mid-block pedestrian crossing.

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Chairperson Dunphy thanked the Road Commission for their collaboration on this project and working with the Commission through an arduous process. Mr. O'Brien thanked the Commission.

Chairperson Dunphy stated the Commission would take a short recess.

*(Recess: 8:53 PM to 9:05 PM)*

Chairperson Dunphy called the meeting back to order to 9:05 PM. He stated the Commission would continue with Agenda Item #9 (1841 Crooks Road).

## 9. NEW BUSINESS

### 9A. 2006-0105 1841 Crooks Road (HDC File #99-011)

Applicant: Fred Dunn  
Sidwell: 15-20-428-003  
District: Non-Contiguous  
Request: Notice to Proceed (Demolition of House)

Chairperson Dunphy asked Mr. Delacourt for a brief summary regarding the request.

Mr. Delacourt stated the Historic Districts Commission (HDC) was familiar with Mr. Dunn and his property. He noted Mr. Dunn had been before the Commission several times over the last several years for review of applications pertaining to 1841 Crooks Road, which was a non-contiguous designated Historic District within the City. The site consists of a single family house and a barn, noting the survey sheets were included in the packet.

Mr. Delacourt stated the last time Mr. Dunn was before the Commission was for approval of an addition and renovation to the existing structure, which the Commission approved. Since that time, Demolition by Neglect notices had been issued by the Commission. Upon receipt of the first notice, Mr. Dunn complied by securing the structure and it was inspected by the Building Department. He noted the structure was not completely "mothballed" but it was protected against the elements and met the intent of Commission's notice.

Mr. Delacourt stated that the second Demolition by Neglect notice led to a discussion between he and Mr. Dunn regarding the structure. Mr. Dunn requested that he take a look at the property. Subsequently, he and Kelly Winters, the Deputy Director of the City's Building Department, walked through the property. Mr. Dunn felt that since he had been issued a Building Permit and started the work, new information had come to light and he wanted the City to take a look at it. He stated Mr. Dunn indicated at a subsequent meeting he wished to make a request to demolish the structure.

Mr. Delacourt stated the Staff Report detailed the Notice to Proceed section of the Ordinance, and Mr. Dunn submitted information related to that request. He stated he and Mr. Winters were present to answer any questions the Commissioners might have.

Jennifer Hill, Booth Patterson, P.C., 1090 W. Huron, Waterford, Michigan, was present and stated she represented Mr. Dunn in this proceeding. Fred Dunn, 1104 Maple Leaf Drive, was also present.

Ms. Hill stated they were seeking a demolition permit in order to remove the home located at 1841 Crooks Road. Her understanding of the history of the home and the reason it was in the Historic District was because it is an example of an upright and wing old American farmhouse that represents the history of Avon Township, now Rochester Hills. It represents the reason why the Township was formed because of the fertile soil, which bought immigrants to the area.

Ms. Hill stated the current condition of the home was beyond repair and noted they had received estimates that it would cost approximately \$90,000.00 to repair the structural integrity of the home so the outside structure of the home can be maintained.

Ms. Hill stated Mr. Dunn did receive a Certificate of Appropriateness on July 7, 2006 after he had appeared before the Commission multiple times. She stated Mr. Dunn had paid \$5,500.00 in permit fees as of this point to complete the work. When Mr. Dunn began tearing off the drywall on the inside of the home, he discovered it was completely destroyed. She stated they had photographs of the interior, which Mr. Dunn would explain.

Ms. Hill stated that when the Historic Districts Commission was originally formed, the Township Supervisor suggested at the organizational meeting that the Commission administer the Ordinance in a very reasonable fashion and encouraged the Commission to be flexible and work with the residents of the City. She stated they were asking for some real consideration of their request to demolish and consideration of whether \$90,000.00 was reasonable to require a citizen to restore this home. She stated even if the house was destroyed, there were still items on the property that show the agrarian nature of the property, such as the barn. She pointed out it was also a 3-acre property which was open property.

Ms. Hill stated the Standard by which this matter was being reviewed is set forth in the City Code, which states: "retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner" and under the second part which states: "retaining of the resource is not in the interest of the majority of the Community". Ms. Hill believed only one of the above prongs was necessary for the Commission to grant the Notice to Proceed to allow Mr. Dunn to demolish the home.

Ms. Hill stated they had submitted a letter from Usztan, LLC, who is a builder and who provided bids to Mr. Dunn. She explained Mr. Dunn was acting as the General Contractor in this matter; however, Mr. Usztan would be doing some of the work. The letter indicates the existing foundations are leaking and have become compromised in certain areas. They are not below the current requirements of 42-inches, and since the structure is not heated, frost damage to the footings has occurred. The letter also indicates that several structural components have been cut or removed; a portion of the framing has been exposed to significant water damage and needs replacement; the roof structure is in need of complete removal as the existing shingles/shakes and plywood underlay require replacement, while the extent of the roof truss damage cannot be determined, the condition is suspect. The letter also stated there is significant mold growth. The exterior siding is not original and does not meet historic requirements; and the windows and doors cannot be salvaged. The letter further states that the existing plumbing, electrical and HVAC systems are completely removed or destroyed beyond repair.

Ms. Hill stated that in Mr. Usztan's opinion it was not feasible or reasonable to bring the structure up to the condition it needed to be to maintain the outside structure at this point. She stated Mr. Dunn would explain the photographs that were submitted.

Mr. Dunn explained that after he got his approval for building, he got a demolition permit from the Building Department and he started to remove those items a former owner had put on the building without a permit and without any instructions from anyone.

Mr. Dziurman asked if Mr. Dunn had a time line because the work covered a long period of time.

Mr. Dunn stated the former owner did that work before he purchased the property, noting he did not know it was a designated Historic District when he purchased it. It was not in his paperwork nor was it on his Deed. He found that out after the fact, and noted he had owned old homes before so it did not surprise him and he decided to work with that.

Mr. Dunn stated he came with his original architect and received an approval, but that architect never showed the plans to he and Mrs. Dunn before he showed them to the Commission. He and his wife did not like those plans and did not build that house. He stated they waited a year and came back with a different architect and received an approval in 2007. After he received the permit to build, he obtained a demolition permit from the Building Department and started to do the demolition work. As he started to do the demolition work and started to remove things from the house, both inside and outside, they started to see what had been done by a previous owner. It became very apparent there was nothing he could do, and explained he had to prop the building up after he took some of the drywall off

because that was all that was holding up the walls. He stated beams had been cut, walls removed, and sections of the foundation had been removed. One room was built over a cistern and no foundation was installed. However, the existing foundation behind that room was torn out (he provided photographs of these areas).

Mr. Dunn stated that a door had been installed to the upstairs and had an apartment upstairs, which was illegal, and required walking across the roof. Walking across the roof wore out the shingles and rotted all the studs and beams. On that wall there is nothing left. He provided photographs of areas where the water came down through where the roof was destroyed. He stated he also had photographs of where studs and beams were cut, where stairwells were moved, and where fireplaces were moved.

Mr. Dunn described a photograph of a room that had been added that contained a heater and pointed out where the foundation had been cut, and instead of the beams holding up the floors on the foundation, the beams were now on pieces of 2x4's. That was what was holding up the whole basement.

Mr. Dunn described a photograph of the cistern he found underneath one room, and pointed out the foundation to that room was missing, which he subsequently boarded up. He noted an area where the roof had leaked where the occupants were walking across the roof to get to the apartment. He pointed out where the roof had leaked and where the studs were pieced back together, compromising that room. He stated he had to install support beams after he removed the drywall.

Mr. Dunn discussed a photograph of the wall opposite the wall where the foundation had been removed. He explained that wall had originally contained a window, which had been filled in so the other room could be added. He described an area where studs had been installed to hold the rafters up in the second story of the original portion of the house. He noted the house had been pieced together twice. He stated the original house was only the two-story building with the lower section added on as the first add-on. Subsequently, three different rooms were added on.

Mr. Dunn discussed a photograph of a beam where a wall had been removed which was a support wall for the upstairs bedroom. The wall was removed to extend the living area into a one-room living area, which was being held up by a 1x6 - the whole upstairs facility. He pointed out it was bowing.

Mr. Dunn explained a photograph of the back of the room that was over the cistern. He pointed out where the ceiling had been lowered and rotted and noted a fake ceiling had been installed because it had already rotted the ceiling out. He noted the lower 2x4s holding up the drywall that had been installed by a previous owner.



Mr. Dunn described a photograph depicting the original ventilation for a kettle stove, which had been removed. He discussed a photograph depicting the area where the kitchen had been knocked out and an addition added. He noted where the beams had been cut, and when the rafters were put back, they were put on top of drywall. He noted that was how the previous owner had leveled the house, it was not done with beams, it was done with drywall. The beam was split three different times and was no longer a solid beam, but was just pieces. He stated the beam was about 30-feet long on an outside wall.

Mr. Dunn discussed a photograph depicting where a staircase had gone up to a second story, and where the beams had been cut. The beams are no longer holding anything, but are just there and were behind the drywall. He pointed out photographs depicting where a second ceiling was applied and pointed out where wood had rotted because of roof problems.

Mr. Dunn pointed out a photograph depicting an area from the south wall to the north section of the building (the lower section of the house over to the two-story section), showing that the studs had been cut to install a wall. He noted a photograph depicting the extra bracing he had to install after removing the drywall. He discussed a photograph depicting more cut rafters, noting he did not know why the rafters were cut as nothing was there except drywall.

Mr. Dunn stated when he finished with the demolition work, he felt that about 75% of the construction of the building had been compromised. He explained with the windows alone previous owners had replaced 52% with Plexiglas. Of the remaining windows, about 20% were rotten and needed to be taken totally out of the house. He stated less than 30% of the original windows would be left, noting 50% were already gone.

Mr. Dunn referred to the structural components of the house, and stated he thought at least 80% had been compromised. That is why he felt all he was doing was putting brand new construction into the house, and it would not be the original house, it would be new. He stated if he was going to do that, he thought he should just tear it down and build it new. He commented that would be cheaper.

Ms. Hill pointed out that as could be seen from the pictures, the house was severely damaged, noting the structural integrity and the foundation, and stated they were looking at real problems. She stated Mr. Usztan had experience building in historic districts, as he had built two historic homes and also done a city hall, police station and fire station as well as a wide range of homes having been a builder for 30 years, from small-end homes to five million dollar homes. She stated Mr. Dunn was previously a builder before owning his own steel company. He was a builder back in the 1960s for approximately seven years.

Ms. Hill stated the estimate to repair the foundation was \$25,000; to redo the structural integrity of the home was approximately \$15,000, and the roof structure would cost \$35,000. She stated the repairs would cost approximately \$75,000, and noted she had previously given the Commissioners a different number, and clarified the repairs would amount to around \$75,000.

Ms. Hill stated this was clearly outside of Mr. Dunn's control, and it was not just because there was an issue with the title insurance and it was never placed on the record. She stated all of the structural damage was caused by previous owners, of which Mr. Dunn had no knowledge when he was before the Commission to obtain the Certificate of Appropriateness.

Ms. Hill stated she had reviewed the City files relating to this property. She stated back in August of 1985, the City took action against Ms. O'Neill-Pottery because she had not pulled permits for electrical work she was doing. Ms. O'Neill-Pottery also did heating and cooling work without obtaining permits. The work done on the inside of the property was done without permits being pulled. Ms. Hill stated Mr. Dunn had absolutely no way of knowing the damage that had been done, such as removing a support wall and band-aiding that removal by placing a 1x6 board which would not hold up the home.

Ms. Hill referred to "interest to the Community" and stated she and Mr. Dunn had asked neighbors to attend the meeting, but they did not. She explained Mr. Dunn had spoken extensively with numerous residents in the Christian Hills Subdivision, which is adjacent to the property, and those neighbors said they would attend the meeting to request that the property be taken down and that they supported his application for demolition, but they did not attend this meeting. She did want to present that to the Commission. She indicated she would answer any questions the Commissioners might have.

Chairperson Dunphy noted that a representative from the City's Building Department was present and asked if he had any information for the Commission. Mr. Delacourt stated he had asked Mr. Winters to attend the meeting to answer any questions the Commissioners might have about what he saw when he walked the site, or to answer any other questions. Mr. Winters was not asked to present any material regarding this matter.

Dr. Stamps asked if Mr. Winters could share what he observed at the site.

Kelly Winters, Deputy Director, Building Department, introduced himself to the Commissioners. He stated that Mr. Dunn's pictures did not do justice. He explained when he went to the site with Mr. Delacourt, Mr. Delacourt did not even enter the building because it was that scary. He acknowledged it was in pretty rough shape.

Mr. Miller asked if having seen what he saw going through the building, if it was not a historic structure, would he recommend it be demolished. Mr. Winters replied absolutely.

Mr. Miller stated the fact it was a historic structure was why it was before the Commission. He referred to the letter from Mr. Usztan and his comments about the structure, and stated he would like to present the other side. The beams that were cut could now be replaced with new beams, and what Mr. Dunn would have was new beams alongside old lumber. He noted Mr. Dunn had not said the old lumber was totally rotted and decrepit although it looked old and had nail holes and drywall marks, but it was still solid. Mr. Dunn responded "some of it".

Mr. Miller stated when he read that the structural integrity had totally been compromised, he commented on a house this age, what the Commission was seeing in terms of what had been cut out and not cut out, he had seen before and it was not that uncommon, or in terms of where a stairway had been run up or where the heat shield was regarding the heating and cooling. He stated he had been at the house when Ms. O'Neill-Pottery lived there and he saw where they just walked across the roof. He pointed out Mr. Dunn had also seen then when he looked at the house before he bought it. He was a little surprised Mr. Dunn waited to do any investigation inside of the house until he removed the additions connected to it. He disagreed with the fact it would be cheaper to redo it, although it might be easier for the contractor, and Mr. Dunn might be happier with the end result, but that was often true of old houses. He stated to find contractors who knew how do that work was not the same as finding a competent carpenter or contractor. He noted the contractors who did that work did charge more. He stated any foundation would cost \$20,000, especially for the size of the house being discussed.

Mr. Miller stated he was also disappointed that for the length of the time Mr. Dunn held the house, he was not surprised to hear about water deterioration and weather deterioration, because with a house that age, if it is let sit it will deteriorate and will continue to deteriorate. Hence the action taken by the Commission earlier regarding the house.

Mr. Miller referred to the windows and stated that whenever possible on a historic structure, the windows should be retained. He commented that was not a make or break, nor were the doors. If there was a historic structure that had all the windows broken out, the Commission would not approve a notice to proceed with demolition. Rather, the Commission would require them to be replaced.

Mr. Miller stated his own personal feeling was that the house needed a lot of work, but he knew that without ever having seen Mr. Dunn's pictures. Having seen the pictures, if there was going to be any protection of the investment of the house, some of the outside work needed to be done right away. He knew the previous owner did many things, but when Mr. Dunn purchased the home, he assumed a home inspection was done as that was quite common because it provided a degree of separation for any liability in events like this. He believed Mr. Dunn was not quite as stunned to find some of the things he did find. He hoped Mr. Dunn had been aware of that or he should be disappointed in the home inspector that did the report for him.

Mr. Miller stated that the fact the house was old and messed up does not make it any less historic. In fact, in some ways it made it more precious. With a house built at this age, it was not uncommon for the roof rafters to be 2x4s; it was not uncommon for the floor joists to be 2x4s or 2x6s; for there to be large bows and large problems with settling. He stated the foundation on old houses oftentimes is not what it looks like above the ground with nice dress stone. Underneath the ground, sometimes all there is some cobble thrown in which is what the stones were set on top of. He acknowledged the current Building Codes were much different and there was a good reason for that. That still did not make this house less valuable.

Mr. Miller understood there was a lot of damage and the house needed some work, but that did not mean it was completely irreparable. He noted the question was whether there was enough historic value to the building "as is" to make it worthy of trying to save or whether it should be demolished, which was the question the applicant was asking the Commission to consider. He personally did not see anything that would cause him to approve demolition.

Mr. Kilpatrick asked if the Building Department had inspected the home recently. Mr. Winters stated he was at the site about two months ago. Mr. Delacourt stated the original application had been submitted for the August meeting, but had been postponed at the request of the applicant to the September meeting. He thought the inspection might have taken place about 90 days prior to this meeting.

Mr. Kilpatrick asked when the last inspection occurred, prior to the one done 90 days ago. Mr. Winters stated he did not have that information.

Mr. Kilpatrick asked if Mr. Winters could ascertain what damage had been done from the time Mr. Dunn submitted his application request in 2006 until now. Mr. Winters stated he became involved in the project when the building permit was moving along in 2008, and did not have any previous history prior to when he started working with the City in 2006.

Mr. Kilpatrick clarified Mr. Winters did not know what damage may or may not have not occurred through the acts of the applicant or lack thereof. Mr. Winters responded he did not.

Mr. Thompson asked what the total rehabilitation costs for the home would be. Mr. Dunn stated he had quotes between \$270,000 and \$410,000. Ms. Hill added that the damage done on the inside of the home added an extra \$75,000 to any cost.

Mr. Thompson asked if the applicant had an idea of what the property would be worth after the rehabilitation work was completed. Mr. Dunn shook his head no.

Mr. Thompson asked how long Mr. Dunn had owned the property. Mr. Dunn thought he purchased the property in 2002.

Mr. Thompson stated the Commission had issued demolition by neglect motions, and stated he was having trouble deciphering what damage was there and what was caused by the structure being left in the condition it was. He had no doubt some interior damage was there, but did not know what had occurred since Mr. Dunn purchased the property. He noted the property had been neglected for quite a while, and he was struggling with what damage had been done since then. He asked Mr. Winters if the house was considered a hazard in its present condition. Mr. Winters responded he had to say he did.

Dr. Stamps asked what it meant if the house was a hazard. Mr. Winters explained his concern was with the structure noting some of the structural items had been removed or destroyed. He stated there were headers that in no way, shape or form would meet Code requirements for spans or loading. He referred to the picture with the log with the steel beam under it that was now being supported by a 2x4 that made him nervous. In walking across the floor, it creaked and groaned and moved a bit. He noted there were holes in the floor, and commented Mr. Dunn referred to a header that was installed that was furred on top with drywall, that was something he had never seen. Those concerns made him nervous about the stability of the house.

Dr. Stamps apologized that Mr. Dunn was not informed or aware that the house was listed on the historic register of the City when he purchased it. He thought that was a serious problem the Commission needed to correct by putting signs on the designated resources so potential purchasers can be flagged and be aware of that.

Dr. Stamps reminded the Commission that the house was designated in part because it was an example of one of the original farms and farmhouses upon which the City was founded. He asked if this one was lost, how many were left. He was not sure if there was another one left.

Ms. Hill stated she had asked that question and believed there was one on Avon Road just west of the City Municipal Building. She did not know how many were left.

Dr. Stamps stated it was one of just a few remaining, which is why the Commission was concerned. He stated it could be replaced with a new building that looked the same, but noted the City liked to have the original structures. He had some concern about the current condition of the house. He stated he walked through it when a previous owner held an estate sale, and commented the floors creaked then; it was kind of a patched on place; the addition on the south side was an added on piece; but it was not in nearly the shape when Mr. Dunn purchased it that it is presently. He stated a house had to have a roof to prevent it from going down, and roofs only lasted so long. He asked when the roof had last been replaced. He thought Mr. Dunn would have realized it was an old roof. If a house is not heated, frost will get into it; and if there were openings, animals would get in and dig around the foundation.

Dr. Stamps agreed that a previous owner had done some rebuilding, changing and cutting, but he was not sure the Commission could put all the blame on the previous owner(s). He commented the fact the house has stood for over a hundred years, said there was something structurally okay about it. He thought some of the damage had been more recent. He agreed it needed work and some tender loving care, but he thought it still had potential to be rehabilitated.

Mr. Dziurman commented that Mr. Dunn stated he was a builder in the 1960s, and had had two architectural firms go through the building, and now seven years later he discovered these problems. He thought there was something wrong because someone did not do their job. During that period, Mr. Dunn spent a lot of time and money, and the Commission had spent a lot of time working with him. Now Mr. Dunn wanted to demolish the house. He asked if Mr. Dunn built a new home, how large it would be. He commented the price given by Mr. Dunn of \$270,000 to \$410,000 amounted to a price range of about \$100 to \$200 a square foot which was not out of line for new homes. Mr. Dunn stated those prices were for the work to the home that was approved by the Commission. Mr. Dziurman thought the rehabilitation of the existing house might still be cheaper than constructing a new house.

Mr. Dziurman stated that demolition by neglect was a real issue for the Commission because it was seven years later; after two professional firms had been through, and the applicant had a building background, now a problem had been discovered. He stated he had heard all the rumors about what went on in the house, but it was still standing. He found it difficult to approve a demolition because he thought the applicant could rehabilitate the existing house at the same price it would cost to build a new house. He commented the applicant would end up with basically a new house as well.

Chairperson Dunphy stated he had received a request for public comment.

**Melinda Hill, 1481 Mill Race**, stated the applicant actually purchased the house in 2000, and in 2002 was before the Commission requesting approval of work to be done, including removal of the portions that have been removed, and a new addition. Certificates of Appropriateness were given at that time; however, no action happened and they expired. He also appeared before the Commission in February, March, May of 2006, and in June of 2006, a Certificate of Appropriateness was given to remove the additions that were not pertinent and to construct new additions to create the new home. One of the conditions on the Certificate of Approval said removal should not happen prior to the plans being approved by the Building Department for the new addition. Unfortunately, the pieces were removed and no action had been taken since then. She truly believed the applicant did not meet the requirements for a Notice to Proceed. She commented the Commission had seen other historic structures that were in worse condition. This was truly caused by inaction on the applicant's part. There was a great deal of discussion about problems with the foundation, the cistern and other things. She clarified Ms. O'Neill-Pottery did not sell the home to this applicant, as she sold it to Mr. Root who owned it about a year, and did some interior work. She stated there was discussion about how the interior looked and things that were going to be removed, noting the whole house was going to be gutted. She noted the applicant stated it would cost him extra money to reinforce the structure, which was correct, but that was not a reason to require a demolition permit. There was no reason that fits the requirements to issue a Notice to Proceed for that permit. She agreed there was an additional cost, but that was all part of creating this new structure. She thought it was self-imposed and provided pictures for the Commission's review of the home in 2002 depicting how the exterior looked at that time. She stated this property carried a lot of significance for the Community and she begged the Commission to deny the request before them. She believed the last Certificate of Appropriateness that had been issued had expired and it would have to come back before the Commission before any new work was done. She thought this matter should go to Circuit Court to request stabilization of the property because it was truly demolition by neglect over nine years.

Dr. Stamps asked if Ms. Kidorf had any insight or expertise she could share with the Commission.

Ms. Kidorf stated it was a difficult case. It sounded like there had been some demolition by neglect, although it was difficult for her because she had not been provided with all the materials or the experience the Commission had. She pointed to the State Historic Preservation Office (SHPO) document on economic hardship, since that is what the applicant appeared to be requesting. She suggested the Commission make sure it asks all the questions it wanted to ask to determine if this was a case of economic hardship or not, including the questions about the total cost of rehabilitation, and what the property would be worth after that.

She thought it was a good point already discussed by the Commission about the cost of new construction versus rehabilitation. She stated she would review the SHPO economic hardship documentation if the Commission requested her to do so.

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Mr. Delacourt pointed out he had not asked Ms. Kidorf to review this application prior to the meeting. He had asked her to stay knowing some questions might be asked that her expertise could assist with.

Dr. Stamps stated the Commission loved Mr. Dunn's house and did recognize it had problems. He felt this was becoming a confrontational situation between the applicant and the Commission and he did not want that to exist. He asked the applicant not to take this personally, and pointed out the Commission was trying to save what limited historic resources the City had and were trying to fulfill their responsibility to preserve the Community's historic resources because there were so few. The Commission became concerned when they received a request to demolish a resource. He hoped they could reach a resolution other than a negative one.

Mr. Kilpatrick asked if it was the applicant's intention to add the other additions to the home, noting he agreed the Certificate of Appropriateness for that work had expired. He asked if it was a fair statement that the applicant intended to add the additions to the home. Mr. Dunn responded he did not know about that right now.

Mr. Kilpatrick asked if Mr. Dunn had intended to present a new plan. Mr. Dunn stated he did not have any plans until after this meeting, noting if the house was demolished, he would not have to worry about it.

Mr. Kilpatrick stated he had read that it was Mr. Dunn's intention to use the prior plan. Ms. Hill clarified there was a mistake in the original application. She thought the old plan would be built, and noted she made that correction in her supplemental information. The supplemental information indicated that if approved, the house would be demolished and plans for a new house would be presented to the Commission for review and approval.

Mr. Kilpatrick stated there was a lot of compromise when the rehabilitation plans were approved in 2006. From what he recalled, the plans were quite large compared to the size of the existing resource. He commented it stretched the sensibilities of the Commission to allow the additions to take place, and at that point in time, it appeared it would cost a lot of money for that plan in and of itself as the additions would be quite substantial. When Mr. Dunn came before the Commission in 2006, he was left with the impression that he was prepared to spend a lot of money on the new additions, not taking in to account the rehabilitation of



the house. He asked if he was correct in that assessment. Mr. Dunn asked if Mr. Kilpatrick was referring to the plans approved in 2006. Mr. Kilpatrick indicated that was correct. Mr. Dunn stated the pricing on that had gone from \$270,000 to \$410,000, noting he had four different quotes for that proposed work.

Mr. Kilpatrick stated he was referring to the additions itself. Mr. Dunn stated that was for the whole project. Mr. Kilpatrick clarified it went from \$270,000 to \$410,000. Mr. Dunn stated that was the range of quotes, and explained \$100,000 of that was just to pick up the old house to fix the foundation. With the \$410,000 quote it was \$100,000; with the \$270,000 quote it was about \$66,000. Mr. Kilpatrick asked if those were the figures Mr. Dunn received in 2006 or if that had changed recently. Mr. Dunn responded yes, just to get the house up so the foundation work could be done. Mr. Kilpatrick clarified that was in 2006. Mr. Dunn stated in 2006.

Mr. Kilpatrick clarified that Mr. Dunn had indicated that price has increased substantially since that point in time. Mr. Dunn state "no, now that I've got it demolished". He thought he was not allowed to touch it before and reminded the Commissioners when he purchased the house he did not know it was historic and he was going to tear it down and was stopped. When he found it was historic, he thought he would make it work and get it done. The first architect he hired just kept giving the Commission different plans and never asked, but just did it. Finally he got rid of that architect because he was not listening to anybody. When he got the permit for the second set of plans was when he started the demolition. In the meantime, the house was sinking and stated he had invested \$55,000 in just leveling the floors, jacking up the back of the house where it had dropped 38 inches, and leveled it up. He did that prior to getting the permit because he did not know he was not allowed to keep it from falling in. That money was spent prior to getting the Commission's approval to put the additions on. He reiterated he had invested \$55,000 for just the way it was sitting now. For someone to tell him he had to spend another \$100,000 to improve it, plus he would have 60% to 70% of the building new, and asked how that it would still be an old house.

Mr. Kilpatrick understood but noted that was why Mr. Dunn had come before the Commission. At that time, Mr. Dunn had told the Commission the house was like a beacon or a welcoming center to the Community. He remembered the comment because of the house being situated at the top of the hill. That was part of the compromise on the part of the Commission because part of the old house would be intact. The Commission was concerned about the additions and where they would be located, and determined that traffic driving by would still see the original farmhouse. The barn, lilacs and the size of the property added to that picture. The picture was that someone had added additions for a house that met 2006 living conveniences, but the flavor of the mid-1800s home would remain. He struggled with this because it appeared the applicant was prepared to spend a lot of money

back in 2006, and he did not see where there was a substantial hardship that made a difference now. He understood the \$55,000 already spent, and asked if the \$55,000 was the total money that had been put into the home, absent what was going to be placed on this project. Mr. Dunn responded "right".

Mr. Thompson asked if the structure was demolished, whether the remaining structure would be enough to justify the historic designation. Ms. Kidorf stated that based on the survey conducted in 2002, she did not think so, but noted that would be up to the Study Committee to decide.

Mr. Thompson stated that if the house was demolished, the property would still remain a designated historic district. Any new building would have to be approved by the Commission, unless or until the process was followed and the property was delisted. He wanted to clarify that just tearing down the house did not mean the designation would disappear.

Mr. Miller asked about the statement in Mr. Uszta's letter that the siding was not original and non-historic. He asked if that referred to the original clapboard siding on most of the house. Mr. Dunn stated it was new wood siding, noting that 100 years ago you could not buy that type of siding. He did not know when that siding was put on the house.

Mr. Miller asked what was between that and the studs on the outside walls of the house. Mr. Dunn responded "nothing". Mr. Miller asked how Mr. Dunn knew it was put on later. Mr. Dunn stated it was new siding. Mr. Miller asked if that meant the whole house, not just a portion next to an addition. Mr. Dunn stated he originally thought it was just the addition, but it was the whole house.

Mr. Miller inquired about the entire roof needing to be stripped. He noted that was not uncommon and was more of a maintenance issue on many houses, and that point was not a reason to tear down a house because it needed a new roof.

Mr. Miller wondered why it was going to be so expensive for the house to be restored to some sort of structural solidity. He thought that would be a legitimate argument if it could not be made safe and livable. He did not think anyone would require the applicant to hold on to a not safe and unlivable house that could not be made to do so. On the other hand, the Commission would not let it be torn down just because it would cost some money.

Mr. Dunn acknowledged anything could be made safe and livable, all it required was enough money. Mr. Miller understood that because he lived in a historic house.

Chairperson Dunphy called for any other questions or discussion by the Commission. Upon hearing none, he asked if the Commission was prepared to make a motion.

Mr. Thompson stated he was ready to make a motion.

Chairperson Dunphy stated if the Commissioner's wanted additional time to consider this matter, they should be very clear about what additional information they needed to receive.

Mr. Thompson asked if the Commissioners had more questions or required additional information. If not, he would move the motion. No more questions were asked and no additional information was requested.

Mr. Thompson made the following motion:

**MOTION** in the matter of HDC File No. 99-011 (1841 Crooks Road) regarding the request to allow the removal (demolition) of the house located at 1841 Crooks Road, the Historic Districts Commission **DENIES** a Notice to Proceed with the following Findings:

Findings:

1. The subject site is a locally designated non-contiguous Historic District located in the City of Rochester Hills.
2. The resource (house) is an Early American Farmhouse of wood frame construction. The structure was identified for local designation in 1978.
3. An Intensive Level Survey conducted in 2002 identified this historic resource as significant in both the areas of architecture and agriculture. The home was described as a good, intact example of the upright and wing house type popular in Avon Township (now Rochester Hills) and Oakland County in the 19th Century.
4. The resource (house) has not become deteriorated to the point it is no longer feasible to restore or rehabilitate the structure. Over the years, prior owners of the resource made many improper renovations to the interior of the house, contributing to its structural deficiency and deterioration.
5. The cost to rehabilitate and/or restore the existing resource has not become burdensome and unreasonable and will not cause undue financial hardship.

Chairperson Dunphy called for a second to the proposed motion on the floor. Mr. Kilpatrick seconded the proposed motion. Chairperson Dunphy then called for discussion on the proposed motion on the floor.

Mr. Miller asked that some of the statements in the Findings be deleted. He referred to Finding #4 and suggested the second sentence be deleted. He suggested Finding #5 be deleted in its entirety. He did not know that the Commission could make that Finding.

Mr. Thompson agreed to remove the second sentence of Finding #4. Mr. Miller stated the Commission did not have accurate information about the cost to rehabilitate or restore to decide whether that was burdensome or unreasonable as stated in Finding #5.

Mr. Thompson stated he would strike Finding #5, and proposed a new Finding #5 as follows:

5. The applicant has not met the burden of proof.

Dr. Stamps asked if the applicant's legal counsel had something to add.

Ms. Hill pointed out that Section 118-168 regarding the demolition or removal of resources states that applications to demolish a resource shall include a detailed explanation of why the resource needs to be demolished, and what will occur on the site after the demolition. She thought the applicant had met that burden. She explained they had told the Commission it would cost another \$75,000, which is the undue financial hardship. She asked if it was reasonable to require a citizen to pay an extra \$75,000 to rehabilitate a home when some of the characteristics that represented the agricultural history of the City would still be reflected on the property. She stated no application had been submitted to tear down the barn, nor an application to divide the lot in any fashion.

Ms. Hill referred to the discussion about the roof and whether or not it would have to be replaced. It was not just a matter of whether the roof had to be replaced, the contractor believed that the truss damage could not be determined at this point. She thought it was more than just the replacement of shingles, there was suspected structural damage to the roof.

Ms. Hill stated she had spoken to the Road Commission for Oakland County and had spoken to City Staff, and no one could actually confirm or deny, but it was her understanding that a project was slated to be completed by the Road Commission in 2020 to widen the road. If the road is widened, it would put the road approximately six feet from the home as it stands now. She thought that factor should be considered.

Mr. Dunn referred to the comments made about the demolition by neglect. He stated the roof does not leak, and he had leveled the house and kept the house clean

and there were no animals in it. He stated that if the Commission could prove he neglected it, he would leave and build the house the Commission had approved previously. He stated there was no neglect since he purchased the house, and commented the house was in the same condition it was when he purchased it. He would have torn it down had it not been historic. He stated he would have put a new house up, but not in the same location because he knew the road would be widened. That was why he said he needed to do something else.

Chairperson Dunphy stated he had heard the Crooks Road Project was scheduled to end at Hamlin Road. The last version he heard involved putting up the second bridge over M-59 when funds are available, and continuing the divided highway that currently ends at M-59 past the Hamlin Road intersection. He was not aware it was intended to go any further.

Chairperson Dunphy did not agree that the applicant had made the case or met the criteria at this point. The Commission had heard many statements made but had seen very little in the way of documentation. He was not comfortable the case had been made. He stated he has been on the Commission for a number of years and was involved in both of the decisions when the applicant received his two previous Certificates of Appropriateness. He was disappointed they had reached this point in the process. He explained the reason he asked for additional information was because the Commission could make a decision at this meeting, or could ask the applicant to provide more detailed information about the financial impact and other things that were germane to the discussion, or the Commission could go forward as the motion stands on the floor.

Mr. Kilpatrick referred to the demolition, and stated the Commission did not know what would be built on the property if the demolition occurred. No plans had been submitted to indicate what the house would be replaced with. That initial burden was not met. He understood the applicant's desire to demolish, but the Commission had received incomplete information. He stated the applicant indicated there was a misunderstanding with respect to the Certificate of Appropriateness and the new home, but that would still have to be brought before the Commission for review and approval. He would also like more about the finances, such as what it would cost to do the project the way the applicant wanted to. He felt the application was incomplete at this point.

Ms. Franey stated that based upon the information provided to the Commission she assumed that the applicant's intent when he purchased the property was to enjoy the property and put up a new house on the property. She asked if that was correct. Mr. Dunn responded yes.

Ms. Franey stated it was obvious what everyone would like to see was to keep the historical structure intact if at all possible, which she believed Mr. Dunn tried to do previously when he was before the Commission. She asked if there were structural pieces of the house that were salvageable based on what the Commission was trying to do and what Mr. Dunn was trying to do.

Mr. Winters responded as a carpenter, the answer would be yes. He noted he was not a historic architect, but having been a carpenter for almost 40 years, yes parts could be saved. He could not say what could be saved. He explained siding probably would have to be removed; there were references to the roofing that would have to be removed, and stated he could answer as to what he saw on the inside where the structure had been compromised. He referred to the comment that enough money can fix anything. Could it be fixed - absolutely, but it depended on how much time, money and effort someone wanted to put into it.

Ms. Franey did not believe it was her decision to say how much the applicant can or cannot afford for this house, especially in today's economy. She was sure he had a budget. If the Commission knew what the potential plans were, it might be easier if the Commission knew what the applicant was proposing, and if possible, if the applicant was proposing something that was salvageable. She wondered if there was some portion of the structure of the house that could be saved, or whether a carpenter could install the necessary beams to hold the structure.

Mr. Dunn stated it was his understanding that if he was given a demolition permit, he was not permitted to put back up a house similar to the one being removed. He was told it would never be permitted to put a similar house up. He was going to build a farmhouse and explained both he and his wife were from farmland and they had owned the second oldest house in Ohio, although they no longer owned that home. They knew what old houses were and what historic houses were. There was so much damage to this house that he did not feel the money was properly appropriated to repair it and end up with 20% of an old house and 80% of a new house. He stated that was not an old house anymore, it was a new house that looked like an old house. He did not have plans for the farmhouse they wanted to build because he did not know what was going to happen at this meeting.

Chairperson Dunphy stated there was a motion on the floor, which was in the process of being amended. He asked if the amendments were resolved. He understood that Finding #4 was revised to remove the second sentence, and asked if Finding #5 had been removed.

Mr. Thompson suggested he would read the entire motion again for the Commission's clarification.

**MOTION** in the matter of HDC File No. 99-011 (1841 Crooks Road) regarding the request to allow the removal (demolition) of the house located at 1841 Crooks Road, the Historic Districts Commission **DENIES** a Notice to Proceed with the following Findings:

Findings:

1. The subject site is a locally designated non-contiguous Historic District located in the City of Rochester Hills.
2. The resource (house) is an Early American Farmhouse of wood frame construction. The structure was identified for local designation in 1978.
3. An Intensive Level Survey conducted in 2002 identified this historic resource as significant in both the areas of architecture and agriculture. The home was described as a good, intact example of the upright and wing house type popular in Avon Township (now Rochester Hills) and Oakland County in the 19th Century.
4. The resource (house) has not become deteriorated to the point it is no longer feasible to restore or rehabilitate the structure.
5. The cost to rehabilitate and/or restore the existing resource has not met the burden of proof and will not cause undue financial hardship.

Mr. Thompson stated if the Commissioners required additional information, he would withdraw his motion in order for that information to be provided.

Mr. Dziurman recommended that Finding #5 be revised to include the following:

"based on the figures provided to the Commission by the applicant of \$270,000 to \$410,00, the cost would be \$100 to \$200 per square foot which is comparable to construction in the area".

Mr. Dziurman stated the Finding was trying to show there was not a burden because if the applicant was building new, he would be building the same thing, which was his point.

Mr. Thompson agreed he would revise Finding #5. Mr. Dziurman pointed out those were the only figures provided by the applicant.

Mr. Thompson suggested Finding #5 be reworded as follows:

"5. "The cost to rehabilitate and/or restore the existing resource has not met the burden of proof and will not cause undue financial hardship. Based on the financial figures provided by the applicant, the cost to rehabilitate and/or restore the structure will not exceed current new construction costs."

Chairperson Dunphy clarified the sentence was added to the end of Finding #5. Mr. Thompson stated it was added to the end.

Mr. Dziurman asked if the actual figures should be included in the Finding. Dr. Stamps suggested the numbers be inserted in parentheses. Mr. Thompson agreed the numbers could be included, as follows:

"...Based on the financial figures provided by the applicant (\$270,000.00 to \$410,000.00), the cost to rehabilitate and/or restore the structure will not exceed current new construction costs."

Mr. Kilpatrick was concerned about the burden of proof because the statute asked if that has become burdensome and unreasonable. He thought the original language was better language. Mr. Dziurman explained all he wanted to do was include the numbers. Mr. Kilpatrick stated as seconder of the motion that was the language he would like to see. Chairperson Dunphy asked if Mr. Kilpatrick wanted to strike the first sentence of Finding #5. Mr. Kilpatrick stated the first sentence was fine, but the wording stated "he has not meet the burden of proof" and the reason why it has not become burdensome and unreasonable is based on the costs.

Chairperson Dunphy clarified that Finding #5 would read:

"5. The cost to rehabilitate and/or restore the existing resource will not cause undue financial hardship. Based on the financial figures provided by the applicant (\$270,000.00 to \$410,000.00), the cost to rehabilitate and/or restore the structure will not exceed current new construction costs."

Mr. Thompson stated that the phrase "burdensome or unreasonable" should be included. He clarified the Finding should read:

"5. The cost to rehabilitate and/or restore the existing resource has not become burdensome and unreasonable and will not cause undue financial hardship. Based on the financial figures provided by the applicant (\$270,000.00 to \$410,000.00), the cost to rehabilitate and/or restore the structure will not exceed current new construction costs. "



Mr. Kilpatrick agreed to the wording as the seconder of the motion.

Mr. Thompson advised the applicant that if the Notice to Proceed was denied, there was an appeal process through the State Historic Preservation Office (SHPO).

Mr. Dziurman advised the applicant that he appeared to have been using the wrong people. He suggested the applicant take a look at the information available through the Michigan Historic Preservation Network that has a Resource Directory listing qualified individuals, contractors and professional consultants. He stated the people listed in that Directory were qualified to handle this type of job. It appeared to him that the applicant had not received good feedback from the architects he worked with, which was wrong. He stated the applicant might save money in the process because the professionals listed in the Directory should understand the Secretary of the Interior's Standards and how to make this work. He indicated he was familiar with Usztan Construction and thought they were a good firm, but he did not consider them a historic firm. He stated he knew Boris Usztan and knew his father, Andy, and knew they were good people but in his opinion they were not experts in historic restoration, but agreed they were good contractors. He suggested the applicant contact the Michigan Historic Preservation Network located in Lansing and request a copy of the Resource Directory.

Chairperson Dunphy called for any further discussion on the motion on the floor. Upon hearing none, he called for a roll call vote.

Complete Motion (as amended and voted):

**A motion was made by Thompson, seconded by Kilpatrick, that this matter be Denied. The motion CARRIED by the following vote:**

**Aye** 8 - Dziurman, Miller, Stamps, Kilpatrick, Dunphy, Thompson, Franey and Luginski

**Absent** 1 - Cozzolino

**RESOLVED** in the matter of HDC File No. 99-011 (1841 Crooks Road) regarding the request to allow the removal (demolition) of the house located at 1841 Crooks Road, the Historic Districts Commission **DENIES** a Notice to Proceed with the following Findings and Conditions:

Findings:

1. The subject site is a locally designated non-contiguous Historic District located in the City of Rochester Hills.
2. The resource (house) is an Early American Farmhouse of wood frame construction. The structure was identified for local designation in 1978.
3. An Intensive Level Survey conducted in 2002 identified this historic resource as significant in both the areas of architecture and agriculture. The home was described as a good, intact example of the upright and wing house type popular in Avon Township (now

Rochester Hills) and Oakland County in the 19th Century.

4. The resource (house) has not become deteriorated to the point it is no longer feasible to restore or rehabilitate the structure.

5. The cost to rehabilitate and/or restore the existing resource has not become burdensome and unreasonable and will not cause undue financial hardship. Based on the financial figures provided by the applicant (\$270,000.00 to \$410,000.00), the cost to rehabilitate and/or restore the structure will not exceed current new construction costs.

## 10. ANY OTHER BUSINESS

Chairperson Dunphy called for any other business.

Mr. Miller stated he was appalled at the fact that a person could purchase a designated property in a real estate transaction and not know it is designated. He stated more needed to be done so that did not happen. Also, perhaps there was an avenue the applicant could have taken on his end.

Chairperson Dunphy agreed that anything the Commission could do to regarding that issue should be considered. He stated that had occurred with other applicants in the past, and it was always disappointing to hear that was not made clear at the time of purchase. He stated the Commission had made outreach to some of the local real estate firms. He suggested the Commission could discuss it at their next meeting to see if there is anything more specific they want to do.

### 2008-0678 Stoney Creek Village (Tienken Road Bridge) - Speed Limit in Historic Districts

Chairperson Dunphy stated something the Commission might also want to consider for the next meeting was asking City Council to review the weight limits and speed limits for the bridge area on Tienken Road.

Ms. Luginski stated she had prepared a motion addressing the speed limits. She read the following motion, noting the matter had been discussed at several meetings and she felt it was time for the Commission to do something formally.

Mr. Dziurman stated he would second the motion.

Chairperson Dunphy stated the motion had been duly made and seconded and called for discussion on the proposed motion on the floor.

Dr. Stamps inquired about the 25 mph speed limit and asked if most school districts were 25 mph, noting the speed limit posted by the Brewster School said slow to 35 mph. He asked if Ms. Luginski wanted the motion to say 25 mph. Ms. Luginski indicated she did noting in her experience most school districts were 25 mph. She stated that was the speed limit the residents in the area had discussed.

Mr. Delacourt believed Old Perch was posted at 25 mph during school hours, and then reposted to 35 mph outside of school hours.

Dr. Stamps thought the problem was that there was no school in that area. The Stoney Creek School was mentioned. Dr. Stamps pointed out that school was further up the road. Chairperson Dunphy clarified the Commission was not referring to the high school, but the original one-room school by Washington Road.

Mr. Delacourt stated that the proposed motion did not request City Council to take any specific action, such as requesting a Traffic Control Order (TCO) from the Road Commission, and asked if that was the intent, or whether the intent was to ask City Council to take some specific action.

Ms. Luginski stated she was aware of the option of the TCO, but did not want to limit it to that. Dr. Stamps asked if City Council would get the message that the Commission wanted some action taken. The Commission thought that would be clear.

Chairperson Dunphy suggested when the matter was scheduled for a City Council meeting, it would behoove the Commissioners to attend that meeting.

Ms. Franey asked if it would be scheduled for the September 14, 2009 City Council meeting. Mr. Delacourt stated the City Council Agenda was set by the Council President. He thought the Commission would like the motion to include the Minutes and the discussion regarding the bridge. He stated the motion would be forwarded to the Clerk's Office, and then it would be up to the Council President to schedule it on an agenda.

Chairperson Dunphy called for any further discussion on the proposed motion on the floor. Upon hearing none, he called for a roll call vote.

**A motion was made by Luginski, seconded by Dziurman, that this request be Approved. The motion CARRIED by the following vote:**

**Aye** 8 - Dziurman, Miller, Stamps, Kilpatrick, Dunphy, Thompson, Franey and Luginski

**Absent** 1 - Cozzolino

Regarding the matter of the speed limit throughout the Stoney Creek and Winkler Mill Pond Historic Districts:

WHEREAS, the residents of the Stoney Creek and Winkler Mill Pond Historic Districts have for more than twenty years been concerned over the speed of vehicular traffic in these Districts; and

WHEREAS, numerous requests for reduced travel speeds have been made to the City,

County and State; and

WHEREAS, the residents and the Historic Districts Commission believe travel speed must be reduced in the Districts in order to provide a safe environment for visitors and area residents and school children to preserve the integrity of the Historic Districts for future generations and enhance the Districts' economic development potential for the Community,

**BE IT RESOLVED** that the Historic Districts Commission requests the Mayor and the City Council of Rochester Hills to work with the Districts' residents, Oakland County, the Road Commission for Oakland County, the Rochester Community School District and the State of Michigan in order to implement a reduced travel speed (25 mph) throughout the Stoney Creek and Winkler Mill Pond Historic Districts prior to the opening of the new replacement bridge.

Chairperson Dunphy stated for the record that the motion had carried.

Chairperson Dunphy called for any other business.

**2009-0335**     1046 E. Tienken Road

- Discussion by Historic Districts Commission

Mr. Dziurman stated that the 1046 E. Tienken Road item had been delayed; however, he had looked at the drawing that was submitted and wanted the Commission to be aware that the columns shown were not appropriate for a Greek Revival home. He stated that what was shown was a Craftsmen style. He did not know how it would affect the project or whether there should be some contact with the applicant prior to his returning to the Commission.

Chairperson Dunphy clarified Mr. Dziurman was referring to the front rendering of the porch. Mr. Dziurman stated that was correct, and stated he did not have an opportunity to look at the historic photographs, but what was depicted was typically Craftsman style.

Ms. Luginski asked if Mr. Dziurman could be more specific because there was some confusion about whether it was the style of the posts or the length of the posts. Mr. Dziurman stated that was not typical for a Greek Revival house. He explained a Greek Revival house would have columns going all the way down to the porch. Until he had an opportunity to look at the existing columns, he wanted the Commission to know there appeared to be a problem.

Mr. Delacourt believed the posts were the existing posts. Mr. Dziurman stated it was hard for him to believe that, and wanted to look at them as it appeared to him that there was a problem.

Mr. Delacourt believed those were the posts that held the existing windows and the only thing the applicant requested to do was remove the windows and replace them with screens. He stated he would check with the applicant because he did not think

the applicant was changing the posts.

Mr. Dziurman stated the renderings indicated a post would be removed. He stated he had never seen a Greek Revival house with Craftsman style posts.

Mr. Delacourt understood and clarified he thought the posts were the existing and the applicant was not proposing any changes. He would ask the applicant to clarify because that was not represented at the last meeting.

Mr. Dziurman stated the applicant should be made aware of that. Ms. Franey stated the drawing for the east elevation stated remove column from porch.

**This matter was Discussed**

Chairperson Dunphy called for any other business. No other business was

**11. ADJOURNMENT**

Upon motion duly made and seconded, Chairperson Dunphy adjourned the meeting at 10:50 PM.

\_\_\_\_\_  
Brian Dunphy, Chairperson  
City of Rochester Hills  
Historic Districts Commission

\_\_\_\_\_  
Judy A. Bialk, Recording Secretary

{ Approved as \_\_\_\_\_ at the \_\_\_\_\_, 2009 Regular Historic Districts Commission Meeting)

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