



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

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

Commissioners Absent: Kristina Glusac (1)

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

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

ROLL CALL: Quorum satisfied.

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

A - HEARINGS

A-1 HDC10-060 – 315 E LIBERTY - ELHD

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

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

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

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

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

STAFF FINDINGS:

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

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

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

Review Committee: Commissioners and visited the site.

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

Commissioner White – Concurs with Commissioner Ramsburgh

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

Questions of the Applicant by the Commission: None.

Audience Participation: None.

Discussion by the Commission:

MOTION

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

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

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

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

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

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

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

STAFF FINDINGS:

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

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

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

Review Committee: Commissioners Ramsburgh and White visited the site.

Commissioner Ramsburgh - This was an interesting site visit. The staff report is extremely complete, and in addition to that report, we had the opportunity to see a historic mural of the transition of this building through its history in the beginning as a pumping station, then the civic theater, into the conversions of condo's today. It is a very nice building and each of its uses have been a vital part of this neighborhood. Jill's report is so very complete that it will lead us to discussing the implications of retaining or not retaining the muntins, and I'll hold my comments regarding that until we reach the discussion.

Commissioner White – Concurs with Commissioner Ramsburgh.

Applicant Presentation: Janice Milhem, (representing the Condo Association) was present to speak on behalf of the application. She thanked the Commission for the award given to the neighborhood for preservation efforts. She said that this is a great honor and they want to do the right thing for their neighborhood. She stated that she is there representing four of the six condo owners (including herself). Our meetings usually have a vote on everything. Our recent vote was to have the muntins up.

"We repaired the windows in November, and we were in the dark for about a month during that time as we had the windows boarded up during this repair. After the window repair was finished and the boards were removed, we spent another four months with this incredible light. It's ironic now that we can see less with the muntins than without. If you look at all the history of this building, it has been changed significantly. It had a flat roof that went to a gabled roof to residential units with the storefront windows with the applied muntins."

155 She quoted a statement from another owner (Carolyn Constant – who was not present) who is a
156 professor of architecture at the University stating:

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

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164 One of the things that I stated on Monday is that now that we don’t have the muntins, the
165 windows match from the north side with the south, east and west as they all look uniform. This is
166 our case at this point, and most of all, of all the changes that have been made, why is this an
167 issue, given now that we have one more ‘look’ incorporated into our condo.

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

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171 **Audience Participation:**

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173 1. Van Harrison, 245 Mulholland Street, A2, MI 48103 - Mr. Harrison (also a resident of
174 this condo association) stated that ‘this (the muntins) has been a matter of discussion
175 among the association. Due to the governmental regulations and the muntins (being
176 an architectural element that is relevant to the historical appearance of the building),
177 I’ve taken great interest in the history of the building and prefer to maintain the exterior
178 appearance of the building.’ He thanked the Commission for the work they have done
179 in the past.

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181 Commissioner Ramsburgh – Asked Mr. Harrison if he was in favor of reapplying the muntins?
182 (Mr. Harrison stated that he was in favor and that it will help maintain the historical appearance.
183 The point is at what point do you stop making changes to maintain the historic appearance.)

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185 J. Thacher – Stated that there was an email regarding this application that she had forwarded to
186 the Commission but had left out of her staff report (It was not clear whether this was in favor or
187 against).

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189 A member of the public inquired who the email was from. Ms. Thacher stated that she did not
190 have that document with her. Commissioner Ramsburgh stated that they think that this
191 communication was from a Mr. Pender? (One of the owners). The public speaker asked if this
192 was public information. Ms. Thacher stated that - yes, it was public information and offered to get
193 a copy for the audience

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195 Commissioner White asked if the letter was in favor or against. Ms. Thacher stated that no, he
196 was not in favor of leaving the muntins off. The speaker wanted the muntins back on.

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198 Commissioner White stated that he was confused. This is an application to remove the applied
199 muntins, but they don’t currently have muntins on them?

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201 J. Thacher – Stated that they took the muntins off to do the window repair and should have
202 reapplied them when the repair was done, as the muntins were a part of the window, but they
203 have never reapplied them and the application is now to leave the muntins off.

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

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2. Mr. Jack Wallace, 241 Mulholland, A2, MI 48103 – Mr. Wallace stated that he wanted to clarify that it wasn't necessarily that they didn't want to put the muntins back on, but that they couldn't put them back on. The window frames needed to be painted and they couldn't be painted until spring. "This was not something that we wanted to say "no, we're not going to do it and we'll wait until the Commission forces us into it..."

A member of the public asked if the muntins were salvageable. Mr. Wallace stated that no, they were in disrepair and all are now gone. We decided at that point we were going to do something different. We were either going to have more substantial muntins or we weren't going to have them at all.

Commissioner White – Asked again for clarification about the issue. The Chair explained that the muntins are currently off, but would need approval from us not to reinstall those.

Mr. Harrison also stated that before they ever touched the windows for repair previously, they put up bids for new muntins and the former application asked to put up virtually the same muntins and that was approved. Now the request is not to replace the muntins.

Discussion by the Commission:

Commissioner Wallace – Stated that she is hugely in favor of incorporating the history of changes that a building has gone through as the story of the building. There is a point at which the building may stop resembling what it was historically, and I think that this is a great example – that while this has been changed to a very modern application, it still retains some of its historic character of its industrial uses. That is one of those important features to retain, and there is strong language in the guidelines about muntins and the configuration of the muntins.

Commissioner Giannola – If someone came in with an original window that was beyond repair and that we said they could replace, don't we tell them to leave the muntins off? (J. Thacher – No, we would have them fill out the window worksheet to have it appear as close to the original as possible.)

Commissioner Rozmarek – I disagree with the staff report and denial of this application. The replacements installed in the 1980's are not compatible with the exterior design, arrangement and relationship to the rest of the building – they're not even close to the original windows. The original windows appear to be probably a triple-hung steel frame window that have a very unusual patterning to them – you can see that they are broken into three different segments. The muntins design from the 1980's is not even close.

I think adding the muntins to the replacement windows further falsifies the history of this building. I did drive by this building this evening, and I think that if we allow the muntins to go back on, we're further supporting falsifying history. You can see that these are new, and they have added door openings, which significantly alters the window openings. In this case, had they actually done a window replacement in the 1980's that looked similar to what they replaced, I would be in support of putting the muntins back on. In this case, since they botched the job in the 1980's, I'm not in support of reinstalling the muntins and this is not what the *Secretary of the Interior's Standards* are about.

J. Thacher (to L. Rozmarek) – If they were to replace the muntins with something more closely matching the original muntins, would you be in favor of that? - Because you're right, they are....

258 Commissioner Rozmarek – The proportions are a little off with the main mullion. That would
259 require further study, as they would have to alter the frames to make muntins like that, and in that
260 case you would want them on the inside as well in order to look like the original. As it stands right
261 now, I can't support the denial of this application.

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263 Commissioner McCauley – It would be almost impossible to replicate the windows exactly the
264 way they were, but to me, the false muntins on the exterior of the building offer a closer
265 appearance to what was there, and I don't think that anyone who knows about architecture would
266 not be necessarily confused by that. I feel that it does convey the sense of an industrial building
267 and it does add to the character of the building to have the muntins put back on.

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269 Commissioner Wallace – I would far prefer a true divided light with the center operational, but this
270 more closely resembles this as opposed to the clear pane, but I agree that it doesn't look like
271 what they did in the 1980s.

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273 Commissioner Rozmarek – Our personal preferences we have to put aside. We're looking at the
274 standards and interpreting the standards, and these window muntins should have never been
275 allowed to be put up in this configuration. The Lansing Board of Water and Light have recently
276 replaced their steel windows with aluminum replacements that look fantastic and closely match
277 the original steel windows. If they were doing a full window replacement, it might be appropriate,
278 but with the door opening altered, leaving the muntins off is the appropriate course of action.

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280 Commissioner Giannola – Concurs with Commission Rozmarek – If you read the standards, it
281 doesn't follow the history of the building and leads to a different conclusion.

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283 Commissioner Wallace – I'm looking at this in a different light, but the fact that these were
284 changed in the 1980's

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286 Commissioner Rozmarek – The geometry of the existing mullions isn't the same as the original.

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288 Commissioner Ramsburgh – Stated that she has been swayed to see both sides of the
289 discussion. She agrees with Commissioners Rozmarek and Giannola. When the doorways were
290 changed and the old windows were lost, the applied muntins falsified that change. I personally
291 like the grid of true divided light windows, but this exterior application of these on the windows
292 falsifies the historical picture.

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294 J. Thacher – Added that the staff report from 1999 states that the 1983 modifications were done
295 prior to the OWSHD regulations being put into effect, so these were never evaluated by the
296 historic district coordinator.

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298 **MOTION #1**

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300 Moved by Commissioner Wallace, Seconded by Commissioner McCauley, "**That the**
301 **Commission deny the application at 241-251 Mulholland Street, a contributing**
302 **property in the Old West Side Historic District, to remove the applied muntins from**
303 **windows on the west, south, and east elevations, as proposed. The work is not**
304 **compatible in exterior design, arrangement and relationship to the rest of the**
305 **building and the surrounding area and does not meet *The Secretary of the Interior's***
306 ***Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, in***
307 **particular standards 1, 2 and 9 and the guidelines for windows."**

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

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Yes (3) – Commissioners Wallace, McCauley & White

No (3) – Commissioners Giannola, Ramsburgh and Rozmarek

314 **MOTION #2**

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

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

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Yes (3) – Commissioners Giannola, Ramsburgh & Rozmarek

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

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J. Thacher - Since no motion was passed, the application is denied. She offered to speak with the group to approve something administratively about the type of muntins that they must put up.

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Discussion amongst the applicants and the Commission regarding the missing seventh person on the board and the non-decision made at this meeting. J. Thacher stated that it has failed because a concensus could not be reached to approve or deny this.

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A-3 HDC10-062 – 603 W MADISON – OWSHD

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

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

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

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STAFF FINDINGS:

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1. The three windows in question are wood double-hungs, with weighted sash cords, and trim and proportions typical of this period.

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

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

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

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

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

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388 4. *Preservation Brief 37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic*
389 *Housing*, published by the U.S. Department of the Interior in 2006, describes the use of
390 lead paint before 1978 and appropriate methods for abatement. For windows, isolating or
391 removing the paint is recommended. Window edges can be stripped or planed, or the units
392 stripped on or off site. Parting stops can be replaced. The brief does not recommend the
393 use of 20-year encapsulant paints on friction surfaces, though they may be appropriate on
394 other parts of the window. (*Preservation Brief 37* is attached: see section titled
395 "Appropriate Methods for Controlling Lead Hazards".)

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397 5. In the letter from Jonathan W. Wilson, Deputy Director of the National Center for Healthy
398 Housing, he compares window replacement to repair. In a follow up email dated June 3, he
399 clarified that repairs included having lead paint stripped from the sashes, replacing sashes,
400 or repainting the windows. It does not appear that the jambs were stripped on any of the
401 windows. He says "Window repair remains an approved alternative, but even when a
402 window is properly repaired, the paint on the window can degrade over time through
403 friction from operation, exposure to weather extremes, and ultraviolet radiation from the
404 sun." Mr. Wilson's statements confirm that it's acceptable to repair rather than replace
405 windows, although a repair that leaves lead paint on the window jambs, even if painted
406 over or covered with vinyl, may require further repair at a later date. Stripping all lead paint
407 off of the entire window (including the friction surfaces on both sash and jambs), as
408 recommended in *Preservation Brief 37*, would resolve these concerns about later exposure
409 of leftover lead paint. Mr. Wilson also cited a forthcoming study in his letter, however since
410 the study has not been published yet, staff cannot evaluate the conclusions.

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- 413 6. The article provided with the application called *An Extended Study of Interim Lead Hazard*
414 *Reduction Measures Employed In The Baltimore Clinical Center of The Treatment Of*
415 *Lead-Exposed Children (TLC)-Clinical Trial* from April 2000 studied cleaning and repairs
416 done to homes of children with elevated lead levels. Among the study's conclusions is that
417 in homes where major repairs were recommended, major repairs resulted in less long-term
418 lead dust than minor repairs, based on tests conducted two years after the work was
419 completed. Major repairs generally included replacement of windows, among other work,
420 while minor repairs varied across houses, including wet scraping and repainting of
421 surfaces and friction points, among other work. The study concluded that window
422 replacement was beneficial in attaining long-term lead reductions as compared to minor
423 repairs in houses where major repairs were recommended. However, given the lack of
424 definition and admitted variation in the nature of the minor repairs, which did not
425 necessarily include complete stripping of all window elements, it is not possible to
426 conclude that replacement is more safe than complete stripping in this case. Because the
427 study does not compare window replacement to complete paint stripping that constitutes
428 abatement, the conclusions cannot be applied to the application for 603 West Madison.
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- 430 7. The article provided with the application called *Effectiveness of lead-hazard control*
431 *interventions on dust lead loadings: Findings from the evaluation of the HUD Lead-Based*
432 *Paint Hazard Control Grant Program* compares seven increasingly-aggressive strategies
433 for lead control, ranging from cleaning to complete removal of all lead-based paint in a
434 structure. The study cannot be applied to this application, however, since the work
435 categories for each strategy don't align with the work proposed. For example, Strategy 04
436 included "...jamb liner installation, sash replacement, paint removal from sashes, and
437 stripping or capping of windowsills and/or troughs...", along with other work on the
438 structure. (Troughs or wells are the area that the lower sash rests on when the window is
439 closed.) Strategy 05 "...generally included replacement of all or most windows, but also
440 included some off-site paint removal of paint on windows." Strategy 06 enclosed,
441 encapsulated, or removed all lead, and Strategy 07 removed all lead-based paint. (Page
442 305.) It appears that repair involving stripping all lead paint from every part of the wood
443 windows would fall under either Strategy 05, 06, and/or 07, as would replacement of the
444 windows. Thus, because full stripping and replacement were not compared, the study
445 cannot be said to show that full stripping is less effective than replacement.
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- 447 8. The third document provided with the application, Chapter 2 of *Managing Elevated Blood*
448 *Lead Levels Among Young Children*, recommends either repair or replacement of lead
449 painted windows – it does not assert that only replacement is sufficient to protect the
450 health and safety of occupants. See especially the section "Effectiveness and Safety of
451 Lead Hazard Control Measures" on pages 19-21 and "Recommendations for Assessment
452 and Remediation" on pages 22-25.
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454 Lead paint is a health hazard that is not to be taken lightly, which is why the U.S.
455 Department of the Interior produced and regularly updates *Preservation Brief 37:*
456 *Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*. Staff feels that
457 the arguments made in the articles included with this notice to proceed application do not
458 demonstrate that stripping the lead paint from the existing windows would not substantially
459 improve or correct the lead hazard to the occupants. Paint stripping performed by a
460 certified lead abatement contractor is an appropriate means of remediation that does not
461 require approval from the Historic District Commission because it is considered to be a
462 repair.
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464 **Owner/Address/Applicant:** Nathaniel Schwartz & Seneca Rosenberg, 603 W Madison Street,
465 A2, MI 48103

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

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

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

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

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

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488 Mr. Schwartz stated the following:

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

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

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

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

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516 We as parents would prefer to take the steps to ensure our child's safety rather than 'roll
517 the dice' in order to preserve every single original windows in our house.
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- 520 ➤ The staff report did not address the short term dangers of window renovation – Ms.
521 Thacher stated that the CDC report stated that either renovation or replacement was
522 acceptable. That report doesn't take a stance on which is safer. What it does talk about
523 are the possible dangers of renovation itself. We've been told by a variety of people that
524 when contractors replace old wood windows, they remove the window from the frame and
525 they place an insert over most of the trough and jam. Because the new window moves
526 within the insert, the contractors don't need to do much stripping of the trough and jam and
527 the friction surfaces are protected. On the other hand, when contractors renovate a
528 window, they sometimes take the sashes off-site, which is much safer, but even though it's
529 protected with plastic, the frame needs to be stripped on site. This generates more lead
530 dust in the process. This renovation can actually increase the dangers in the short run.
531
 - 532 ➤ Pregnant women absorb much more of the lead they ingest than the general population;
533 sometimes up to fifty percent. Beginning with twelve weeks of pregnancy, lead can cross
534 the placenta and harm the fetus and my wife is now sixteen weeks pregnant.
535
 - 536 ➤ A number of studies find that wood is porous and previously lead based painted wood
537 retains lead levels even after it's been abated. We sent you a letter from the Vermont
538 Housing and Conservation board which has run its own studies, finds that there is lead
539 being left in this wood windows, so are now allowing 'in-kind' replacement.
540
 - 541 ➤ We didn't actually begin this process obsessed with window replacement. The renovation
542 that the HDC recommends is cheaper for us, We learned about the lead hazard in early
543 April and we wouldn't have had to pay this fee for the notice to proceed. Our inspector told
544 us he recommends window replacement and Ms. Thacher stated that the Commission
545 usually recommends window restoration. Even if you believe the current research
546 information is insufficient, and no level of lead is safe, we want to take every precaution to
547 protect our baby. A Notice to Proceed seems ideally suited to these circumstances, and
548 we hope the HDC will agree.
549

550 **Questions of the Applicant by the Commission:**

551
552 Commissioner Ramsburgh – When were the sills (the outside casings) last painted? (before we
553 moved in). You've been there three years now? (Right). In the report from the lead abatement
554 company report, those tested negative (right). The troughs, which obviously had not been
555 painted, tested positive, and the interior of the windows tested negative (right). So, my prime
556 concern is that there are lots of positive places inside the house and outside of the house that
557 won't be addressed.
558

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

S. Rosenberg - Everything will be painted or encapsulated.

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

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

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

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

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

Audience Participation: None.

Discussion by the Commission:

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

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

619 May 27th, just so we can see how this system is going to fit and the integrity. We're basing a lot
620 of this on heresy and not facts.

621
622 Commissioner McCauley – I agree. What is encapsulated in paint or varnish, what are the levels
623 then? What kind of exposure will take place? I think we're all concerned with people's health.
624 I'm a house painter, and I had to take the training on lead abatement and it is a lot of work and
625 well worth someone's health; however, my concern is – where does this stop? Windows are a
626 matter of concern, but without this information about the stripping and encapsulation, I think it
627 would be a very bad idea to approve this as a Notice To Proceed without that information. We
628 don't know what the results of this process. This is a horrible precedent to set. I'm concerned
629 with the applicants and their unborn child, but we have an obligation to stick to the Secretary of
630 the Interiors standards and the Brief, which requires stripping and encapsulation.

631
632 Commissioner White – Let's not talk about it being lead. Let's say it's radioactive. We know it
633 causes harm, so let's paint it. Painting it will not stop the dust. We know that pregnant women
634 absorb fifty percent more than your average person. That's not new. I want to save the windows
635 and doors, but not over a human being.

636
637 Commissioner McCauley – I'm not saying that. What I'm saying is, if you strip it, encapsulate it,
638 replace the stops as Preservation Brief 37 says, we don't know what those lead levels would be,
639 so why throw everything out the window that we're supposed to be doing?

640
641 Commissioner White – I'm concerned because the lady is pregnant. They've given us 138 page
642 report on what hazards are in their house. There is no mystery about it.

643
644 Commissioner McCauley – There is a mystery. What would the results be if you followed what
645 Preservation Brief 37 said – what the end result would be. We don't know that.

646
647 Commissioner White – Stated that he didn't want to know the results of a child not being able to
648 learn.

649
650 Commissioner Giannola – Stated that the information that Commissioner McCauley seeks is not
651 available, so we can't be sure that this would be safe. As to the statement about radioactivity,
652 there already is radioactivity in the home – it's called Radon. Denying this is like saying that we'd
653 deny them to put in a Radon Mitigation System. To me, the question is more of setting
654 precedence and us moving forward and changing with the times.

655
656 Commissioner Rozmarek – To bring up Commissioner White statement about radioactivity –
657 would you buy a house next to a nuclear reactor? I know this sounds insensitive, but until we
658 have this information as to whether stripping and encapsulation is a hazard? We can't make the
659 call that this is a 'hazard' – we can only abide by the information we have.

660
661 Commissioner Ramsburgh – I went to the Vermont housing site that they refer to, and one of their
662 links is the CDC lead paint safety 'field guide' for painting and home maintenance renovation
663 work under the U. S. Housing and Urban Development in March of 2001. There is no reference
664 to replacement in this document. The solutions to flaking paint are listed as: Remove
665 deteriorated paints; scrap, wet scrape.... every problem that you have – windows sticking and
666 paint sticking and flaking, window sill dust loading and how to correct those problems all had to
667 do with repair and removing the deteriorated paint and encapsulating it with new paint. Nowhere
668 in that CDC Lead Paint Safety Guide did they say 'window replacement' at all.

669

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

676
677 Being a vigilant cleaner of your house can reduce these things and contribute to making it a safe
678 environment. I think that maybe the anxiety is out of proportion and that replacing the windows is
679 the most dramatic step you could do and could accomplish the same mitigation with other steps.
680 I also think that as concerned as you are, if you did the less mitigation methods, and a year later
681 came back and tested and found that you had dust levels, then that would be.....

682
683 Commissioner White – Yes, but now you see, they’re poisoned. (Commissioner McCauley stated
684 that this is not what they are stating at all). What they’re stating in that report is that middle class
685 people maintain their houses better than low-income people (Yes, that’s what we’re saying....).
686 We went there, and we saw the paint chips. It’s maintained, and has paint chips. (Yes, that’s
687 why we’re saying it can be abated). (More discussion at length amongst the Commission).

688
689 Commissioner Wallace – Stated that the Notice to Proceed would be appropriate and not
690 precedent setting due to the fact that one of the residents is pregnant and can absorb fifty percent
691 more lead than the average person. I know that this is completely inappropriate according the the
692 standards, but I’m going by the exception.

693
694 J. Thacher – (Reiterates the language in the “Notice To Proceed”). Really, this is saying that “To
695 be necessary – to substantially improve conditions. If, under the Secretary of the Interior’s
696 Standards it is impossible to correct this condition, then it’s appropriate to issue a Notice to
697 Proceed. It’s not like you’re not considering the standards, but under the standards, whether this
698 can’t be ‘substantially improved’ and then move on to ‘other methods.’ The statement says that if
699 ‘the resource constitutes a hazard to the safety of the public or the occupants of the structure.’
700 That is what you have to decide.

701
702 Commissioner Rozmarek – The data is inconclusive and we are not qualified to say that
703 replacement windows will cause less lead dust or hazard than restoration. The replacement of
704 these three windows will not mitigate the lead hazards in this home entirely, so there is still
705 hazard in the home. I am concerned with the installation of the replacement window information.
706 We asked for installation data on this and did not receive it.

707
708 J. Thacher – Stated that in terms of ‘data,’ she had spoken to Robert McKay of the State
709 Preservation Office, and he stated that this question (lead abatement) comes up regularly at the
710 State, and that he has seen no ‘conclusive’ evidence that would sway him in favor of replacement
711 over stripping paint, and he recommended complete stripping, not just jamb liners or sash
712 replacement. He did not get that in an email to me or I would provide you with that this evening.
713 Mr. McKay did run a local level lead paint abatement program for a local government before
714 being with SHPBO.

715
716 The chair asked if anyone objected to re-opening the public hearing so that the Commission
717 could ask additional questions. (Agreed). Chair Wallace asked the petitioners to step forward.

718
719 J. Thacher – Stated that the petitioner’s did provide anything she asked for, and that if anything
720 was missing to the Commission, it was because she hadn’t asked for it, so lack of that was not
721 their fault.

722
723 N. Schwartz – Stated that the HDC asked for custom drawings, and we discussed with Ms.
724 Thatcher the contractor’s responses by email instead of providing drawings. Mr. Schwartz also
725 reiterated that the information out there is inconclusive, but the only thing for certain is that
726 window replacement is safest. We’re asking that you allow us to make that choice. Ms.
727 Rozmarek mentioned that we bought this house with the lead hazard, and looking back on that,
728 that was a mistake. I just have a hard time believing that the city has a policy that does this to its
729 citizens. After talking with Planning Director Wendy Rampson, she said, “This is not a ‘solution,’
730 but let’s be clear - the City of Ann Arbor isn’t requiring you to stay in your house.”
731

732 Commissioner Rozmarek – Suggested letting this be a ‘test case’ by testing lead levels before
733 and after replacement so that they have documentation for the future. (Commission White will
734 work on trying to get that funded, as the city cannot commit to doing that). Petitioner’s were in
735 agreement with this if it were possible.
736

737 Commissioner Wallace closed the public hearing once more.
738

739 J. Thacher – Stated that the Commission should not ‘require’ the applicant to test for lead with the
740 Notice of Proceed.
741

742 Commissioner Ramsburgh – Stated that she will reluctantly support this in this situation, but she
743 believes that stripping and encapsulation would satisfy the health hazard. I also spoke with
744 Laurie Sipes and asked if she did lead abatement? She is not certified, but if they ‘restore,’ she
745 does this through restoration, including lead testing. Those less invasive methods are there and
746 in this case I would like to see that be the solution, but due to the special circumstance, I will
747 support the notice to proceed.
748

749 Commissioner McCauley – This is not a special circumstance. This is the beginning of every
750 single window and door in town being ripped out and replaced. If we’re not here to represent the
751 Secretary of the Interior’s Standards, I don’t know why we’re here.
752

753 Commissioner Giannola – The one thing that we can’t dispute is lead as a hazard.
754

755 Commissioner McCauley – I don’t dispute this, but this will set a precedent. This is not a special
756 case, this is every single window, door or surface that could be replaced. Someone else comes
757 in and we deny this, they city will be sued. Until the Secretary of the Interior states differently, we
758 have to follow those standards, it’s what we’re here to do.
759

760 **MOTION**

761

762 Moved by Commissioner White, Seconded by Commissioner Giannola, “**That the**
763 **Commission issue a Notice to Proceed for the application at 603 West Madison**
764 **Street, a contributing property in the Old West Side Historic District, to replace three**
765 **original wood windows, as proposed. The work substantially improves or corrects a**
766 **lead paint hazard to the structure’s occupants, which in this case includes a**
767 **pregnant woman.”**
768

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

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

771 No (2) - Commissioners McCauley & Rozmarek
772
773

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

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

Applicant Presentation and Questions by the Commission

Commissioner Wallace – Reiterated that these drawings were helpful.

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

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

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

MOTION

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

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

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

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

MOTION

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

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

826
827 **C-2 HDC Awards Committee - 2010 Award Nominations**
828

829 J. Thacher – Stated that the list of nominees was completed and had been sent to the
830 Commission.

831
832 **MOTION**

833
834 Moved by Commissioner White, Seconded by Commissioner Ramsburgh, **“To approve the list
835 of award nominees for 2010.”**
836

837 **On a Voice Vote – MOTION TO APPROVE – *PASSED - Unanimous***
838

839
840 **AUDIENCE PARTICIPATION – GENERAL** (Limited to 3 Minutes per Speaker)
841

- 842 1. Mr. Bruce Christie, 502 South First Street – Regarding the lead issue this evening, I
843 agree with Commissioner McCauley that the Commission is setting itself up for a
844 tremendous amount of grief. I will not start it, but I have a pregnant tenant living in a
845 house on the Old West Side. I have 26 double hung windows in my house that I’m
846 sure have lead in them; I didn’t count the windows in the other house in which my
847 tenant lives, but I’m sure they had lead in the windows in her apartment.
848

849 I’ve just seems so much effort into replacing sash’s that I thought was overkill by the
850 Commission. I think you’ll see a tremendous number of contractors coming in to
851 replace these windows rather than replace them. The issue of removing the paint and
852 doing everything you have is enough and covering it up (encapsulation) can be dealt
853 with.
854

855 **D - APPROVAL OF MINUTES -**
856

857 D-1 Draft Minutes of the March 11, 2010 Regular Session (*Line 5, Commissioner*
858 *Rozmarek’s first name is spelled incorrectly.*)
859

860 D-2 Draft Minutes of the April 8, 2010 Regular Session (*No Changes*)
861

862 D-3 Draft Minutes of the May 13, 2010 Regular Session (*No Changes*)
863

864 **MOTION**
865

866 Moved by Commissioner Ramsburgh, Seconded by Commissioner White, **“To approve the
867 minutes of the March 11, April 8, and May 13, 2010 Regular Sessions as amended.”**
868

869 **On a Voice Vote – MOTION TO APPROVE – *PASSED - Unanimous***
870

871
872 **E – REPORTS FROM COMMISSIONERS** – None.
873

874 **F – ASSIGNMENTS**
875

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

878
879 **G – REPORTS FROM STAFF**

880
881 **G-1** May 2010 Activities Report.

882
883 J. Thacher – Announced that Chair Wallace will be leaving the Commission after the July
884 meeting. Before that meeting, we will figure out if we need an election to replace her or if the
885 Vice Chair steps in.

886
887 **H – CONCERNS OF COMMISSIONERS**

888
889 Commissioner Wallace – While I did support the application regarding the lead paint issues
890 earlier, I do have significant concerns about what Commissioner McCauley and Bruce Christy
891 brought up. I think it's going to be very tough. I am glad that Commissioner White put in the
892 information about the pregnant woman in this situation, and I'm not saying that a pregnant woman
893 should always take precedence over other individuals, I just think that because that was present,
894 it comes into play when other people come in. I feel that that 'precedent' has not been set yet
895 due to that.

896
897 **I – COMMUNICATIONS**

898
899 **ADJOURNMENT**

900
901 *The Meeting was adjourned at 10:17 p.m. without objection.*

902
903 ***SUBMITTED BY: Brenda Acquaviva, Administrative Specialist V, Planning and***
904 ***Development Services.***