



CITY OF THE VILLAGE OF CLARKSTON
Historic District Commission
Art Pappas Village Hall 375 Depot Road
Clarkston, MI 48346
Minutes Tuesday February 8, 2022

Meeting called to order by J. Meloche at 7:00 PM.

Present: R. Hauxwell, M. Luginski, J. Meloche, M. Moon, J. Radcliff.

Absent: None

Approval of the Agenda:

Motion by M. Moon, second by J. Radcliff to approve the agenda as written. Approved unanimously.

Announcements:

This will be a joint meeting of the Clarkston Historic District Commission (HDC) and the Clarkston Planning Commission to review concepts and perform fact-finding regarding proposed multi-family residential development at the southeast corner of South Main Street and Waldon Road.

Public Comments:

- 1) Comments received from Chet Pardee via email were read by Chairperson J. Meloche. See attachment.
- 2) Comments read in person by Cara Catallo regarding her public comments at the January 11, 2022 HDC meeting. See attachment.

Approval of the January 11, 2022, meeting minutes:

Motion by M. Luginski, second by R. Hauxwell to approve the minutes as written. Approved unanimously.

Historic District Study Committee Update:

- (1) The committee is continuing to move forward with completing all the necessary documents.
- (2) Several maps are needed for the various documents.

Detailed Site Plan/Map

Provide a full page site plan or map with important features identified.

For example – Depot Park – identify the entrances and walkways; playground; the gazebo; bridges

Site Photographs

Provide photographs to illustrate the significance of the landscape. These photographs should be two to a page with a brief caption beneath.

For example – Depot Park - its relationship to Clinton River

GIS/Locational Information

Please provide the SHPO with GIS shapefiles when available.

GIS = Geographic Information System

The landscape survey form is new. The committee needs to complete at least one of the 3 needed forms and send the completed form to SHPO for review.

Existing Applications for Review and Discussion:

At this point (7:17 PM) the joint session begins to hear the presentation by Michael Wayne from Detroit Riverside Capital (DRC) regarding concepts/planning for a proposed multi-family residential development at the corner of South Main Street and Waldon Road. Other members of the firm present include Mark Wayne, Carrie Wayne, Alec Harris, and Peter Stuhldreier.

DRC began working on this project in the summer of 2020. Given the comments at their initial “zoom” presentation to these commissions (10-21-2020), they have decreased the density (from 65 units) to 22 units and changed the type of product (from apartments) to townhouses. DRC received a memo from City Manager, Jonathan Smith outlining a “formula” that included:

- New sidewalks (South Main Street and Waldon Road)
- Landscaping (including new trees and park area)
- Mitigation of impact on wetlands overseen by Michigan Department of Environment, Great Lakes and Energy (EGLE).

Current zoning is R1. Therefore, to implement this plan, they must apply for re-zoning to Residential Mixed Use.

Lead Designer, Carrie Wayne spoke about design issues. She consulted the Secretary of the Interior Standards for Rehabilitation (“Standards”). In addition to decreasing the density from initial proposal, they decided to use a “soft palate” with respect to colors and textures: mostly brick facades, some stucco, greys and browns for colors, each with a distinctive look being careful not to mimic any of the historic structures of the district. Key demographic group they are targeting is “aging in place/empty nesters.”

This was followed by a “Q&A” session including:

- (1) What is the plan for management of storm water and pollutants (vis-a-vis the letter from Clinton River Watershed Council (CRWC) – see attachment) with respect to wetlands and adjacent Clinton River.

They will be destroying the existing wetlands (total of 0.75 acres of 2.2-acre plot) and creating an equal area of wetlands elsewhere. The current plan is to leave an unbuilt area between construction and the Clinton River (minimal requirements by EGLE). They will work with EGLE on storm water management to prevent overwhelming current storm drains. Other aspects as yet to be addressed by appropriate DRC staff.

- (2) Have they addressed ADA concerns?

They will have certain units that are ADA accessible. All units have stairs.

- (3) What are the plans for parking?

There will be inside and street parking sufficient for residents plus 11 visitors. They are aware of Clarkston's parking challenges and intend not to be a detriment to the current parking situation.

- (4) Multiple HDC commissioners cautioned DRC that any new construction should not detract from/compete with the historic structures of the district for example by design features or by mass effect.
- (5) It was noted by A. Wakefield, member of the Clarkston Biophilic Committee, that buying a credit elsewhere is not the same as protecting the wetlands in place as was indicated in the CRWC letter.

This joint session portion of the meeting ended at 8:47.

New Applications for Discussion:

21 East Church Street - Homeowner Ben Siecinski wishes to perform some exterior renovation work including window repair/replacement and possibly removal of an exterior entryway door and canopy. Due to the lengthy discussion preceding, this is postponed possibly for a special meeting.

Final Comments:

\$50.00 remains in the HDC 2021-2022 fiscal year budget. Motion by M. Moon, second by M. Luginski to use this for as many additional HDC homeowner informational brochures as is possible. Motion passed unanimously.

Meeting adjourned at 8:55 PM.

The next regularly scheduled meeting is Tuesday March 8, 2022 at 7:00 PM.

Respectfully submitted,
Michael Moon

Public Comments for the Historic District Commission Meeting 2/8/22-Chet Pardee
Good evening:

When HDC Chairman Meloche made his quarterly report to City council on 1/24/22 he referenced the on-going situation with 42 W Washington and wondered whether recent filings should be acknowledged. As I listened again to the meeting video it is apparent that City Attorney Ryan did not want further discussion in the council meeting.

When will HDC commission members discuss City legal issues involving 42 W Washington dating to 2003? These issues appear to be relevant to previous HDC decisions.

Does the HDC updated inventory of Clarkston historic homes mention the City's legal involvement at 42 W Washington that now spans almost 20 years?

City Attorney Ryan and former Mayor Sharron Catallo should be able to explain the court filings document attached involving City liability issues at 42 W Washington in 2003. Has City Attorney Ryan been billing the City for almost two decades regarding 42 W Washington as he represents the City's interest to the detriment of its citizen owners?

Attorney James Tamm's name appears in the filing attached. Was he representing the Michigan Municipal League and the role the City's liability insurance would play in any settlement with the then owners of 42 W Washington. If \$80,000 was paid to the owners to settle, was it paid by the City or by its liability insurance carrier?

It's interesting that two generations of Catallos have been part of 42 W Washington history as Cara has advocated for its preservation. I wonder what role her mother played in not acting to prevent damage to 42 W Washington by the City's storm sewer.

I agree with the Mayor that the City's history has much relevance to current Clarkston. I doubt that he will write about this particular aspect.

How will the HDC handle the 42 W Washington request and subsequent appeals with the City's responsibility for its damage beyond economical repair? Will it, in concert with city officials, deny, delay, and kick the can down the road now that it appears that the City's delay in making sewer repairs has caused 42 W Washington to be beyond economical repair.

Please read the attached documents. Ask Attorney Ryan why he has never made the HDC aware of the previous legal filings in his discussions with the HDC.

Chet Pardee
212 N Main Street
Clarkston, MI 48346

Attention HDC:

Although your minutes mention my attendance at the Jan. 11, 2022, meeting and that I “expressed” my “opinions,”¹ the minutes fall short of accurately depicting the details of the information I shared and fail to note several of my concerns, perhaps most notably, that:

- No physical or photographic evidence exists from the contributing structure’s period of significance that would indicate that such purely decorative features existed on that home at that time;
- The same body had previously urged a former owner of that house not to add corbels for that precise reason—because though one might find corbels on other Italianates, they were of a higher style than one would have found in Clarkston, or at least in that neighborhood;
- I had requested that when this commission issues a Certificate of Appropriateness—the homeowner had stated that Commission Member Luginiski had already assured her it would be so—that it include a notation that the homeowners must remove these non-historic, non-original elements from the house before selling it, to return the resource to its current condition.

For the minutes to accurately depict the exchange, the above comments should also be included.

I carefully considered my concerns after consulting a preservation architect—who refreshed my memory on the need for evidence to avoid seeming “capricious and arbitrary” (another term I used during my brief public comment)—after we both reviewed the same chapter about Italianates on which Mrs. Luginiski said (in the minutes) she based her opinions.² Though it is the same book, we arrived at opposite conclusions, which I also believe is worth noting since the minutes reference the book.³ The chapter includes three drawings and 49 photos of Italianates without the feature in question and zero drawings and six photos of structures with them (though it does not say for certain if they were original). None of the examples Mrs. Luginiski apparently used as her “evidence” to approve had a hipped roof (like the structure in question) and all of her examples are located in the southern United States: Selma and Union Springs, Ala., Salisbury and Raleigh, N.C., Savannah, Ga., and New Orleans. The decorative (at least in homes in the north) element is not included in a list of identifying features at the start of the chapter.

My own training as a former historic district commission member (and former chair) was that no decision is precedent-setting. Commissioners should review each resource on its own individual merit because no two are alike. A structure that lacks certain character-defining features should not simply acquire them to be like others of the same architectural style that might exist in our community or elsewhere. Rather, HDC training always stresses that each structure tells its own story, and adding non-historic character-defining features muddies that storytelling.

¹ “From the audience, Cara Catallo expressed her opinion that this would be adding a character defining feature that does not belong (i.e. was not in the original structure) and was on very few original Italianate buildings and then usually only those deemed “high style” examples of which this is not one.” —Jan. 11, 2022, Clarkston Historic District Commission minutes

² *A Field Guide to American Houses*, Virginia and Lee McAlester (New York: Alfred A. Knopf, 2005)

³ “Each of the commissioners expressed the results of their individual research on this topic which was summarized by Commissioner Luginiski: Numerous sources (including *A Field Guide to American Homes*, V. S. McAlester” contain photos of Italianate buildings with shutters, particularly those not of the “high style” and particularly in the Midwest US.” —Jan. 11, 2022, Clarkston Historic District Commission minutes

At the HDC’s December meeting, I provided what evidence the study committee has uncovered of that particular structure and stated that no physical or photographic evidence exists to say that it had such decorative features during its period of significance.

The 2021 Michigan Historic District Commission Training Manual (advanced) states that the Secretary of the Interior’s Standards for Rehabilitation (which Mr. Meloche frequently refers to as “the HDC’s Ten Commandments”), including standards three and six which question adding unsubstantiated features to historic structures, also states (above a photo of a hipped-roof Italianate that does not have these decorative elements): “...adding historic elements that were not there historically confuses the historic record and creates an inaccurate story of the community. The Secretary of the Interior’s Standards for Rehabilitation require evidence when replacing missing features of buildings and do not allow for the addition of elements that may never existed there historically.” (p. 16)

Finally, our own historic district ordinance states that it is the commission’s charge to consider the relationship of “architectural features of the resource to the rest of the resource and to the surrounding area” and its “general compatibility of the design, arrangement, texture, and materials proposed to be used.”

Additionally, the meeting minutes negated to include Mr. Meloche’s announcement that he would not—by law—allow any public comment once the HDC begins its “deliberations.” He did not mention when the public would specifically be able to speak or when they would be cut off and not allowed.

An administrative decision to exclude community member voices—including neighbors and on-par experts—is in no way the law. It is an administrator trying to silence views that are not his own. As a member of this community for more years that I care to count—really, only one commission member has lived in this village longer than I have—I have rarely seen a political entity (one other time, I think) use their bully pulpit to make such an egregious effort to silence the public. Mr. Meloche—who had announced that he is the chair at an earlier meeting when I questioned their decision-making process and smugly asserted that the decorative features “are removable”—pretended his hands were tied: The law is the law. I was given no sign as to when it would be OK to comment, so had to awkwardly assert myself, aware of the likelihood that he would claim at any moment that it was too late and they were deliberating. I made my comment, and took my leave since Mr. Meloche made it clear he had no interest in hearing anything beyond what measurements and materials would be ordered.

The following day I texted Mr. Meloche asking for the law (and its origins) that he said states the public cannot comment beyond a summary of an application. I also asked for a copy of the training manuals he handed out to commission members at the December meeting, thinking a set belongs at city hall. He responded via email Jan. 26, only after I inquired during his lengthy public relations blitz for council, with a highlighted section of the Michigan Open Meetings Act Handbook that states “The public has no right to address the commission during its deliberations on a particular matter.” It does not say that it is against the law to do so. (He also never replied about the training

booklets.)

The state's own HDC Training Manual (basic) states that "a procedure to take public comment must be developed that is fair and efficient," including "when public comment will be allowed," as well as identification of speakers and time allotment. (p. 14)

You don't know what you don't know, and it is inappropriate to silence the community that you're supposed to serve or to require that neighbors magically guess like a carnival game any and all concerns or questions that might come up at the table, long before they do. Ours is a small town, but we should not be small people.

Cara Catallo



CLINTON RIVER WATERSHED COUNCIL

50 Years of Dedication

1115 W. Avon Road
Rochester Hills, MI 48309
248-601-0606
www.crvwc.org
contact@crwc.org

January 21, 2022

Board of Directors

Shawn Keenan
President
Stacey McFarlane
1st Vice President
Greg Kacvinsky
2nd Vice President
Jeff Bednar
Secretary
Aaron Loiselle
Treasurer
John Kosnak
Director
Jamie Burton
Director
Diana Evannou
Director
Joerg Hensel
Director
John Kosnak
Director
Aaron Loiselle
Director
Becky Quinn
Director
Kimberly Meltzer
Director
David Szlag
Director
Jennifer Tegan
Director

COUNCIL STAFF

Sue Kelsey
Interim Executive Director
Chris Bobryk
Watershed Planner
Eric Diesing
Watershed Ecologist
Holly Fine
Membership and
Operations Associate
Melissa Gray
Development and
Communications Specialist
Katie Yates
Director of Education and
Stewardship
Kaleigh Snoddy
Watershed Program
Specialist
Pronoye Kapali
Program Assistant
Janice Sugden
Accountant

Planning Commission
The City of the Village of Clarkston
Clarkston City Hall
375 Depot Street
Clarkston, MI 48346

RE: Proposed development at M-15 and Waldon Rd.

To members of the Planning Commission:

The Clinton River Watershed Council (CRWC), in close partnership with the Clarkston Biophilic Committee, is writing to ask that Planning Commissioners take significant and measurable actions to protect the Clinton River from potential harmful effects from building the proposed structure at M-15 and Walden Road. Specifically, we are asking the Planning Commission to think deeply about this project and seriously consider sustainable development strategies that put water quality, habitat conservation, and human well-being at the forefront of this permitting decision.

This is an opportunity for the Village of Clarkston to be leaders in using innovative solutions that protect water quality and prioritize the environment as a mechanism for growing resilient communities. The Clinton River is an irreplaceable resource and an extraordinary community asset. It is worth every effort to preserve its health and vitality so that everyone has an opportunity to connect with it.

Protecting natural ecosystems helps slow water down, giving it space and time to absorb into the ground while filtering pollutants from impervious surfaces, like roadways and rooftops. Without natural areas, stormwater never has a chance to soak into the ground. Consequently, stormwater will flow directly into the river untreated, increasing the potential for flooding and erosion. Using nature as a tool for handling stormwater will positively impact surrounding communities and habitats downstream.

This collaborative is asking that the Planning Commission incorporate nature-based solutions, such as green infrastructure or natural pathways, in local planning, zoning, and built projects to help reduce the potential for flooding and erosion, while increasing accessibility. Green stormwater infrastructure mimics natural processes and is proven to be effective in tandem with traditional approaches to stormwater management. These best stormwater management approaches are effective and being used widely by surrounding communities.

Please note that the Village of Clarkston is a WaterTown®- an initiative led by CRWC to help communities plan and implement nature-based solutions to stormwater management. This process required a signed resolution by the City Council in 2016 and is an excellent example of how dedicated your City and your community is to protecting the watershed.

Additionally, the Oakland County Water Resources Commission enacted new stormwater standards that mandate greater infiltration on new developments. Below, please find several best management practices that surrounding communities and developers have implemented to adhere to new stormwater standards and minimize negative impacts of runoff to water quality. Please see the attached document for detailed information on each strategy:

- Rain Gardens/Bioretenation
- Tree Box Filters
- Porous Pavement
- Street Trees
- Native Landscaping
- Naturalized Swales
- Bioswales
- Cisterns
- Native Prairie
- Vegetative Roof

Thank you for your time and serious consideration of our request. Please let us know if you have any questions or would like additional information. It is our pleasure and mission to assist communities within our watershed with protecting our natural resources.

Sincerely,



Susan D. Kelsey
Executive Director

*Enclosed: Advisory List- Clarkston Biophilic Team
Attachment [GI_Example_Techniques.p4/J*

Clarkston Biophilic Committee

- James Brueck, Clarkston Biophilic Team Chairman | Owner | Native Lakescapes, LLC
- Emily Cord-Duthinh, CPG | Board President | North Oakland Headwaters Land Conservancy
- Eric Haven | Mayor | The City of the Village of Clarkston
- Jonathan Smith | City Manager | The City of the Village of Clarkston
- Amanda Wakefield, SITES Accredited Professional and LEED Green Associate | Landscape Designer | Zaremba & Company
- Alicia Arkwright, MPA Candidate, Wayne State University | Development Director | North Oakland Headwaters Land Conservancy
- Christopher Bobryk, Ph.D. | Watershed Planner | Clinton River Watershed Council

