

**HISTORIC PRESERVATION COMMISSION
HEARING MINUTES
MAY 9, 2013**

Commissioners

Scott Winnette, Chairman
Robert Jones, Vice Chairman
Stephen Parnes
Tim Wesolek (not present)
Michael Simons
Brian Dylus, Alternate

Aldermanic Representative

Michael O'Connor (not present)

Staff

Lisa Mroszczyk Murphy, Historic Preservation Planner
Christina Martinkosky, Historic Preservation Planner
Scott Waxter, Assistant City Attorney
Matt Davis, Manager of Comprehensive Planning
Shannon Pyles, HPC Administrative Assistant

I. Call to Order

Mr. Winnette called the meeting to order at 6:00 P.M. He stated that the technical qualifications of the Commission and the staff are on file with the City of Frederick and are made a part of each and every case before the Commission. He also noted that the Frederick City Historic Preservation Commission uses the Guidelines adopted by the Mayor and Board of Aldermen and the Secretary of the Interior's Standards for Rehabilitation published by the U. S. Department of the Interior, National Park Service, and these Guidelines are made a part of each and every case. All cases were duly advertised in the Frederick News Post in accordance with Section 301 of the Land Management Code.

Announcements

Ms. Murphy announced that on May 16, 2013 the Mayor will be handing out the 2013 Historic Preservation awards which will be held in the City Hall Board Room at the beginning of the Mayor and Board of Alderman meeting.

She also announced that on May 30, 2013 the HPC will be holding an open house and it will be held at the Municipal Office Annex from 6:00 pm until 8:00 pm.

Stephen Parnes announced that he will be presenting a little bit about the Historic Preservation Commission and what they do at the NAC 11 meeting on Tuesday May 21, 2013 at 7:00 pm to be held on the second floor of Brewer's Alley. He added that the public is encouraged to appear.

II. Approval of Minutes

1. April 25, 2013 Hearing/Workshop Minutes

Vote: 4 - 0

III. HPC Business

2. **Administrative Approval Report**
3. **Code Enforcement Report**
4. **Report on Historic Preservation Property Tax Credits**

Discussion

Mr. Winnette stated that they have a new program in town and that is within the City Code 8-10. He added that the HPC is actually obligated to certify that these properties would properly receive tax credits. He went on to say that there are ten properties and they were all reviewed administratively by Lisa Mroszczyk Murphy and Christina Martinkosky.

Motion: Scott Winnette moved to certify that the submitted expenditures are eligible for the Historic Preservation Tax Credit detailed in City Code 8-10 as reviewed and recommended by the Planning staff.

Second: Michael Simons

Vote: 4 - 0

5. Discussion Regarding Administrative Approval of Sheds

Discussion

Ms. Murphy stated that as noted in the memo that was distributed they have received several inquiries from applicants who wish to use fiber cement siding for their sheds. She added that typically they have required wood siding for an administrative approval although there was one case that was approved by the Commission several years ago where fiber cement siding was approved as a test case and that was later reviewed by the Commission at one of their annual retreats. She went on to say that the Guidelines are specific about wood--stating they must have wood siding although on a case by case basis corrugated metal or other approved metal may be used by the Commission. She stated that sheds are new construction and the Guidelines for new construction do provide some leniency for alternative materials and the Commission has routinely approved smooth fiber cement siding for additions and new construction in the historic district. She said that staff is just looking for the Commission direction on the review of sheds with fiber cement siding administratively.

Mr. Winnette stated that it would make the process faster so he would certainly agree.

Motion: Scott Winnette moved to add the construction of sheds and the materials including Hardi-plank smooth finish to the administrative approvals list.

Vote: 5 - 0

IV. Consent Items

a. Cases to be Approved

b. Cases to be Continued

V. Cases to be Heard

- 6. HPC12-828** **426 N. Market Street** **Matthew Donahue**
New garage
Christina Martinkosky

Ms. Martinkosky entered the entire staff report into the record.

- Motion:** **Brian Dylus moved to approve the application as outlined in the staff recommendation to construct the garage at the rear of the property that spans 21' wide and 24' deep and standing 16 ½' tall with the following details:**
- **Shed roof covered in galvanized standing seam metal;**
 - **16' x 8' wood (Preakness style, Model 7401) garage door by Wayne Dalton;**
 - **Locally-made, two-paneled, single-leaf door with an overlight (similar to previously approved Kolbe and Kolbe door; model KK6210);**
 - **14" Oil-Rubbed Bronze Outdoor Wall Light by Z-lite Mesa;**
 - **1-Light Down Light with a steel black powder coat finish by Nightscaping (recessed);**
 - **1/1 wood Ultimate double hung window by Marvin;**
 - **4" half-round gutters;**
 - **Painted wood or Hardiplank trim without the wood grain texture; and**
 - **Wood German lap or Hardiplank siding without the wood grain texture.**

Second: **Stephen Parnes**

Vote: **5 - 0**

- 7. HPC13-246** **89 S. Market Street** **Aurangzeb Nadeem Raja**
Neon signs
Lisa Mroszczyk Murphy

Ms. Murphy entered the entire staff report into the record.

Public Comment

John Kirkpatrick, neighbor of 89 S. Market Street, stated that he understood the reason for trying to preserve the historic fabric and he agreed with that which is one of the reasons chose this area to invest in. He went on to say that he has a concern with the fact that some signs the enforcement seems a bit arbitrary and a bit piecemeal and in the end sometimes that causes more harm than good. He stated that it is useful to have an open sign and there are neon signs all over the district and he found very few of them intrusive or offensive. He added that he can fully see the historic fabric surrounding them and enjoy it and there are other businesses downtown such as Green Turtle that have things like a disco ball and laser show inside probably 3' from the window blasting music and significantly decreasing the value of the property around. He said that the problem is that ultimately what they are really after is making this a valuable, livable and functional place and sometimes specifics and the rules seem to interfere with that. He stated that his point is that a lot of the recommendations are good and well founded but they need to be taken with a grain of salt in the manner in which it is enforced and perhaps if the applicant were allowed to have more time until they could somehow take a stance or even modify the rule slightly so instead of absolutely no neon signs only open signs would be allowed.

Motion: Brian Dylus moved to deny the post construction request for approval of the installation of five neon signs in the storefront of this early 20th century contributing building as the Frederick Town Historic District Design Guidelines specifically state that neon signage is not allowed and will not be approved.

Second: Scott Winnette

Vote: 5 - 0

8. HPC13-261 **101 N. Market Street** **Tod Salisbury**
 Modify entrance **Mike Tauraso, agent**
Lisa Mroszczyk Murphy

Ms. Murphy entered the entire staff report into the record.

Motion: Brian Dylus moved to continue the case to the May 23, 2013 workshop and the June 13, 2013 hearing.

Second: Michael Simons

Vote: 4 - 0

9. HPC13-267 **511 S. Market Street** **Mt. Olivet Cemetery**
 Sandblast, remove paint, repaint, and seal masonry **J. Ronald Pearcey**
Lisa Mroszczyk Murphy

Ms. Murphy entered the entire staff report into the record.

Motion: Brian Dylus moved to deny the post construction request to remove paint from the east side elevation of the circa. 1875 brick structure by sandblasting or by chemical stripping and the denial of the application of a water proof sealant.

Second: Michael Simons

Vote: 5 - 0

Motion: Brian Dylus moved to approve the repainting of the front east elevation of the building with a water based masonry paint and that any remaining loose paint be removed by hand scraping only and the approval of the repointing of the brick with the condition that the loose and deteriorated mortar is removed using hand tools only and replacement mortar is a lime based mortar and lastly the approval of the replacement of the storm door with the modification that it does not include louvers and that an appropriate design be submitted to staff for final approval.

Second: Scott Winnette

Vote: 5 - 0

10. HPC13-269 **141 W. South Street** **Basil Crapster**
 Porch, stair, window, and door rehabilitation
Christina Martinkosky

Ms. Martinkosky entered the entire staff report into the record.

Motion: Brian Dylus moved to approve the following items:

- **Rehabilitate the two story porch with the condition that it feature wood tongue-and-groove flooring.**
- **Approval should also be given for the proposed steps.**
- **All physical features of the porch and stair that are not in contact with the ground should be non-pressure-treated wood and be painted or stained with a solid opaque stain.**
- **Revised drawings highlighting materials, the treatment of the porch and stair including ceiling materials and finish are to be submitted to staff for approval.**
- **The small concrete pad at the bottom of the stair.**
- **Repointing the portion of the wall under the first story windows on the façade and repointing to be done at the rear portion of the building including the area adjacent to the passageway with the condition that the damaged mortar be removed using only hand tools and the new mortar is not to be Portland cement. The new mortar should match the existing mortar in color, texture and profile.**
- **Removal of damaged window sash on the first story of the façade to repair or replace in-kind.**
- **Reinstall the historic window and surround at the basement level of the façade.**
- **Install three storm doors similar to the photograph included with the application dated 4/10/13 titled “141 W. South Street Proposed Storm Door” to be located in the main entry of the façade as well as first and second story entries leading to the porch of the rear elevation with the condition that the hardware be a nickel finish.**

Second: Robert Jones
Vote: 5 - 0

Motion: Brian Dylus moved to deny the repairs to the existing but non-historic door covering the main entry because the new mismatched panels create an unusual appearance that is not appropriate for the period and style of the building.

Second: Scott Winnette
Vote: 5 - 0

Motion: Brian Dylus moved to approve the installation of a new solid wood door and hardware submitted for staff approval prior to installation.

Second: Michael Simons
Vote: 5 - 0

VI. Citizen Comments

Mr. Winnette opened up the discussion about the issue of the neon signs because the application that was heard this evening was the second neon sign application brought before the Commission with both applicants articulating that it seems to be an unfairly applied to them. He went on to say that he had suggested that as a Commission officially requesting that Code Enforcement look into all of the neon and neon like signs and ask Code Enforcement to deal with all of them by sending a letter to all in violation asking them to come into compliance by a certain date to avoid receiving a code violation. Mr. Simons stated that he thought the violations for neon signage needs to be more consistent. Mr. Winnette asked Mr. Parnes if he would be willing to craft a letter that the Commission could look over at the next meeting

and as a Commission approve it. Mr. Parnes answered yes.

John Kirkpatrick, resident of the City of Frederick, stated that he has listened to so many of the comments about how you keep the historic appearance and how you want to keep the materials proper so that you can preserve these structures for future use. He went on to say that the whole sign issue seems almost to be a wrong issue in the sense that you can have a sign that lights up and project light out of your store as long as it is 3' back or it is lit a different way and the issue is whether it is even appropriate to review what is hanging in the inside of the store. He added that while Code Enforcement is not going out to get people and they are being driven by a complaint, if the law is not being equally applied suddenly they are violating the rights of some.

The meeting was adjourned at approximately 8:00 PM.

Respectfully Submitted,

Shannon Pyles,
Administrative Assistant