

HISTORIC PRESERVATION COMMISSION
HEARING MINUTES

JULY 8, 2010

Commissioners

Tim Daniel, Chairman

Scott Winnette, Vice Chairman

Timothy Wesolek

Robert Jones

Joshua Russin

Gary Baker

Shawn Burns

Brian Dylus, Alternate

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Aldermanic Representative

Michael O'Connor

Staff

Emily Paulus, Historic Preservation Planner

Lisa Mroszczyk, Historic Preservation Planner

Scott Waxter, Assistant City Attorney

Shannon Albaugh, HPC Administrative Assistant

•I. Call to Order

Mr. Daniel 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

Mr. Dylus announced that he would need to recuse himself from case number HPC10-165 and case number 10-166.

Mr. Winnette announced that he would need to recuse himself from case number HPC10-212 due to not making the site visit.

Mr. Wesolek announced that he would need to recuse himself from HPC10-206.

Mr. Daniel recused himself from HPC10-173, HPC10-194, HPC10-195 and HPC10-196.

II. Approval of Minutes

1. June 24, 2010 Hearing / Workshop Minutes

Motion: Timothy Wesolek moved to approve the June 24, 2010 hearing and June 24, 2010 workshop minutes as written.

Second: Brian Dylus

Vote: 8 - 0

- **II. HPC Business**
- 2. Administrative Approval Report**
- 3. Proposed Revision to the Rules of Procedure and Regulations**

Discussion

Ms. Mroszczyk stated that staff brought this proposal forward based on changes to the Land Management Code, that effected who may submit an application for the designation of a District or an individual site. The Commission would still have the authority to initiate sites or districts, and from time to time members of the public have brought sites or districts to the Commission's attention, but there was no formal procedure for them to do this. Staff felt having a formal procedure and some

submission requirements so that some of the research would be presented to the Commission so they would have a little bit of material to make their decision on. She added that if the Commission did decide to initiate an application based on this a full application would have to be completed and it would have to be duly advertised and a public hearing would be held. This would be a way for the Commission to become aware of other significant sites and districts from the public. Mr. Daniel asked if there was time frame that staff would need the comments back from the Commission. Ms. Mroszczyk answered that there was no time frame and if they wanted to take some time and look it over they can schedule it for another hearing. Mr. Daniel asked if it was something they would approve as a Commission. Ms. Mroszczyk answered yes. Mr. Daniel stated that since this is the first time the Commission has seen this that they all be prepared to make a motion at the next scheduled hearing and come with any questions as well.

IV. Consent Items

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There were no consent items.

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•V. Cases to be Heard

4. HPC10-165

112 W. Church Street

John Laughlin

Demolish two sheds, a fence and in-fill a pool

Emily Paulus

Presentation

Ms. Paulus entered the entire staff report into the and stated that the application involves post-construction approval for the demolition of the following structures in the rear yard of the Tyler Spite House - significant early 19th century building:

1. Shed #1: a one-story garden shed located at the rear-most portion of the brick parking area, which was determined to be contributing at the June 10, 2010 hearing.
2. Shed #2: a one-story garden shed attached to the rear elevation of the building's two-story rear wing, which was determined to be contributing at the June 10, 2010 hearing.
3. A wood board, lattice-topped fence separating the parking and pool area in the rear yard, which was determined to be contributing at the June 10, 2010 hearing.

The existing but currently unused in-ground swimming pool is proposed to be infilled, and was also determined to be contributing at the June 10, 2010 hearing.

The applicant is not proposing to replace the structures but rather to rehabilitate the rear yard area with expanded landscaping; a revised replacement plan has been submitted (see HPC #10-166).

Discussion

John Laughlin, the applicant, had nothing further to add to the staff report.

Public Comment

Celia Pew, resident at 114 W. Church Street, stated that she was very disappointed by the recommendation of the City Planning staff. She thought that they have an important role to play but at the last meeting the HPC voted that these structures were contributing and the idea that they are now going to come back and say toss that out it

doesn't matter what you think. She thought the idea that what is being done at 112 W. Church Street and the amended application is not going to have a negative impact to the surrounding historic property is ludicrous. There is absolutely no way that if at least the fence is not put back up the that her property is not going to effected. She said that she may not be the Tyler Spite house and she may not be two of the houses on Council Street but she is an important property and she is a member of this neighborhood. She added that she has lived on 2nd Street and she has a business in town and she pays taxes so the idea that somehow they can just say that whatever they do over there they can do, she really took issue, because that is certainly very definitely one of the regulations. She stated that Mr. Laughlin needs to level with all of them because the fact of the matter is that when he was at the meeting the last time he wasn't straight. Ms. Pew added that what Mr. Laughlin didn't tell them was that he already had a tenant for the space and they moved in on Friday June 25th. She went on to say that at the June 20th meeting he tried to pretend that he didn't understand that when he demolished the fence he had quote broken the rules, you would have thought he would have went back to his office to find out what the rules were and he would have found out that to install two satellite dishes on the property he needed to come before the HPC. She thought the Commission needed to take another serious look at the situation and if they wanted to know what she thought about a garden just look at the photographs she handed out.

Frank Gallart, resident at 119 W. 2nd Street, stated that he was also disappointed with the staff report and the situation seems to be out of hand. He stated that to him the applicant is submitting whatever he thinks the Commission wants to hear. First he demolished the fence, the garden behind the fence and the sheds without the necessary approval then he comes here and asks the Commission for approval to demolish what was previously removed plus the pool because he planned to have events similar to those in Ceresville Mansion. He added that at the last meeting the Commission rejected his proposal now he still wants approval but this time he wants to put in a vegetable and perennial garden. He wondered how the gardens were going to fit into his events. It appeared to him that the applicant no longer wants to hold events and it was his understanding that the house has been leased to a company with 13 employees to be used as office space and without a fence and once the pool has been filled in the area will still become a parking lot. Mr. Gallart urged the Commission not to approve the demolition request because the fence has been an architectural feature that has served to divide the different uses of the spaces and it has provided vertical definition since its installation in the 1940's. There has been a fence there since 1940 and allowing its demolition will not only eliminate the architectural definition of the

spaces but it will also erode the historic fabric of the neighborhood by allowing the conversion of a backyard into a whole parking lot.

Alex Metcalf, resident at 114 W. Church Street, stated that he was concerned about the situation with respect to proposed adjustments that are going to be made to the Tyler Spite House. He added the Tyler Spite House is an icon property in Frederick. It is way above the historical value of many of the other properties in the City and in his view is one of the top 10 properties here. He went on to say that if we want to maintain the historic character of the City it would be very important to maintain the character of the Tyler Spite House. He said that the whole story behind the house is one of blocking development in Frederick and the fact that it has such historic connections is very important to the City. One of the key characters of the Tyler Spite House is the aesthetics it brings in terms of the quality of the backyard and its ability to reflect the kind of character that the Tyler Spite House has. He said that they heard the fence was not on the Sanborn Maps, but there has always been a fence in the backyard and that fence is really important because it divides car parking from the garden, which is very important to the character of that backyard. He thought one of the things that needed to be considered is that there are many backyards that have already been turned to parking and if the fence is not kept in place there will be increased parking in the backyard.

Randy Jones, the tenant at the Tyler Spite House, stated they were very excited to be the tenant at the Tyler Spite House and very appreciative of maintaining its integrity and its historic aesthetics. He pointed out that one of the issues, for them, about the pool specifically is a raised safety concern. They are a 9 to 5 Monday through Friday type tenant and the pool would be completely unattended during weekend and off hours which is something they weren't completely comfortable with. He also added that of his thirteen employees half of them are parking in the public garages and as they continue to grow that is the plan they will take for additional employees.

Applicant Rebuttal

Mr. Laughlin stated that he was very sorry his neighbors did not seem to appreciate what he has done at the house. It seemed to be very personal with them and he did not know what he would have done to them to make them feel that way. He added that anyone that saw the sheds would have seen incredible ugliness. They were T-111 with

asphalt roofs and they were falling down and rotten. He stated that the swimming pool leaks and the fence was pretty but the fence was replaced only ten years ago. He said that he does not like fences and he would be happy to put a hedge in the place of it. He went on to say that the Pew's did not want to see his backyard but that is where the rose and hydrangea garden are going to be. He apologized for offending two or three of his neighbors but he thought this was exactly what the Commission wanted, which is something that is historic and beautiful and compatible with the neighborhood and that is what his new plan is. He said that if he was wrong then he is out of options and he was sure that no one wants the sheds rebuilt looking like they did because they were just awful.

Commission Discussion and Questioning

Mr. Wesolek asked if they could hold off on making a vote for this case until they have talked about the replacement. Mr. Waxter answered that procedurally that should be okay because typically what would happen is the Commission would approve demolition pending an approval of the replacement plan. So the demolition would not happen until the Commission voted to approve a replacement plan. He added that if the Chairman is okay with tabling the demolition vote until the Commission hears about the replacement plan that is fine.

Mr. Daniel stated that from the comments he heard from people and maybe even the Commission he thought it would be constructive to table the vote for demolition and discuss the replacement plan.

Staff Recommendation

Based on the information available to staff and provided by the applicant, staff recommends that the Commission approve the following, because their loss does not compromise the streetscape or surrounding historic properties, or so alter the Tyler Spite House such that it would no longer be considered significant and pending approval of the replacement plan (HPC #10-166):

- Demolition of shed #1;
- Demolition of shed #2;
- Demolition of the fence;

- Infill of the pool.

Motion: Shawn Burns move to approve the demolition of shed #1, shed #2, the fence and the infill of the pool because their loss does not compromise the streetscape or surrounding historic properties, or so alter the Tyler Spite House such that it would no longer be considered significant and pending approval of the replacement plan (HPC #10-166).

Second: Scott Winnette

Vote: 4 - 3, Gary Baker, Timothy Wesolek, and Robert Jones opposed

**5. HPC10-166
Laughlin**

112 W. Church Street

John

Landscaping in the rear yard

Emily Paulus

Presentation

Ms. Paulus entered the entire staff report into the record and stated that this application involves the replacement plan for the proposed demolitions contained in application HPC #10-165. The applicant is proposing the following:

- 1. Installation of planting beds in the location of the former shed foundations;
- 2. Installation of a 3-4' wide planting bed along the location of the former fence, to separate the parking from the new garden area;
- 3. Filling in the swimming pool with gravel and installing a planting bed in its location. The brick paving surrounding the pool would be left intact.

Discussion

John Laughlin, the applicant, stated that he proposed low profile gardens because he thought the open space would be pleasing to the neighbors that could see the gardens. It seemed odd to him that someone would want a fence in the middle of a yard when you can have gardens instead. He stated that if a fence is what everyone wants he will build a fence but he did not see why anyone would want that. The flowers that he proposed to plant would add color to both the back of the house, which is very plain, and the rear fence which is also very plain. He thought that the hydrangeas are age appropriate as well as theme appropriate for the facility. He didn't want to plant a tall hedge unless it is deciduous because anyone that has a large garden suffered during the winter season with evergreens so an evergreen hedge would not be good because we will have another winter like the past at some point. Mr. Laughlin was open to modifications that people think would be effective, he just thought that making all of the green space would satisfy people the most.

Mr. Wesolek stated that it did not make sense to him to have a herb and vegetable at the property with a commercial establishment being the tenant. Mr. Laughlin stated that he has a larger garden at his home and a lot of roses at his house so he plants what he knows and he would be happy to plant a different garden if that is what the Commission decides. Ms. Paulus wanted the Commission to keep in mind that garden plantings are not typically in the purview of the HPC.

Mr. Daniel asked if the applicant would be amenable to a hedge of something between the garden area and the parking area in the rear yard. Mr. Laughlin said yes but he would like to keep it at something waist high or a little higher. He recognized that one of the objections might be that people would park over top of the garden but by having a substantial bush there they would make sure that would not happen but he wanted to maintain the low profile so when you pulled in the driveway you could see the gardens.

Mr. Russin asked if there would be any drainage issues once the pool was in-filled with gravel and top soil. Mr. Laughlin answered that the pool leaks now so there would be no concerns with that.

Mr. Baker thought that there could be compromises made here with what has been done however as the neighbors had stated that vertical division between a parking lot and a yard in most all situations throughout the City is pretty much divided by some vertical substantial division. He personally could not support its removal. The yard was developed as a driveway on one side and yard on the other and then some sort of fence has been there for a period of time. Mr. Baker thought the integrity of the surrounding historic properties would be compromised by the loss of that verticality.

Mr. Daniel agreed with Mr. Baker's comments regarding the importance of that division and as clearly stated by the neighbors. He questioned the relevance to the architectural integrity of the building or the surrounding properties particularly from the public right of way. Mr. Daniel stated that with respect to the backyard itself the introduction of parking years ago relative to the original building violated the backyard so the creation of that fence at that time, been there many years, has rendered that yard relatively atypical of historic backyards. You do not find many that are basically divided in half rather sharply. He thought there was some merit to separating the two zones. He had concern about bringing back a fence that does create such a sharp division and that does relegate the parking area to being such a blank parking area. There is some value to openness where the feel of the back yard can extend throughout the entire property as consistent throughout the Downtown. He said there is a value to the adjacent properties in terms of site lines and he thought that some modification of the proposed planting might be in order but he did not feel a fence is the right solution. Mr. Baker stated that you do have an unusual property that has that parking and grass in the back in clear division but because of that it almost requires a better division that transitions between the two spaces and he thought a variety of things could be done to divide the spaces. Mr. Daniel agreed that some vertical separation whether it be plantings or a fence, if the applicant is amenable to some low fence, however he thought some lowering relative to the existing fence would be in order since it is dividing two areas to allow for some visual continuity throughout the backyard.

Mr. Laughlin thought there was a compromise to be made between Mr. Daniel's approach and Mr. Baker's approach with what Mr. Baker said and that is if they could take the position that evening to work through the fence at a workshop and deal with the rest of the application that evening. He said that if the rest of it is okay then he will come in with some designs that has sections and walk throughs and matches that pergola in the back that you would be able to see through. Mr. Daniel stated that as far as the new construction he proposed that they forward the whole application to

workshop unless there are any objections from the applicant. Mr. Laughlin stated that he didn't have any problems with this but it would be his preference to lock down some of the things so that he is not in a state of limbo for the whole project. He said that at the very least getting the garden and the swimming pool would be nice.

Mr. Laughlin stated that he wanted to amend his application that evening as a result of the discussion to approve the creating of the garden bed in the swimming pool and the two flower beds where the sheds were and then meet in a workshop to determine the replacement plan for where the fence stood.

Public Comment

Celia Pew, resident at 114 W. Church Street, stated that when you talk about increasing the greenspace and getting rid of the hardscapes she would suggest that the liner of the pool be removed so that it really can drain properly. She thought that gardens are very beautiful but gardens are very difficult to maintain and take a lot of hard work and to date he has not maintained the garden that he has so she would really like to see the fence go back in which would mean the only thing he losses from the application is the herb and vegetable garden. She thought that if he wanted to build a more beautiful fence that would be great but there does need to be some sort of division.

Staff Recommendations

Staff recommends approval of the proposed replacement plan because it is consistent with the Commission's *Guidelines*, which encourage the retention of greenspace in the Historic District, and is compatible with the character of this significant property.

Materials to be approved:

- Amended Scope of Work, dated 6/24/10
- Amended site plan, with photo mock-ups

Motion: Timothy Wesolek moved to approve the site plan that was presented to them as follows: the perennial and flower garden and the herbs and hydrangeas that will fill the pool area and the two trestled rose sections and to put the herb garden and the portion that is between the parking area and the living space on hold until they can meet with the applicant in August to workshop that had have it meet their approval.

Second: Joshua Russin

Vote: 6 - 1, Gary Baker opposed

**6. HPC10-173
Authority of the**

611-613 N. Market Street

Housing

Paint murals on side of building
Frederick

City of

Lisa Mroszczyk

Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the painting of two 20' x 20' murals and two 8' x 16' murals on an expanse of solid painted brick and block wall along the north side of 611 and 613 North Market Street, facing Lord Nickens Street, which was recently exposed after the demolition of 615 North Market Street (HPC05-93).

Discussion

Evan Owens, the applicant, stated that the when the Housing Authority of the City of Frederick was awarded the Hope VI Grant in 2003 the project was to demolish the public housing neighborhoods that ran along Bentz Street and build a mixed income community and the mural would be a kind of cherry on top to keep a positive light on the area and not to let it fall back into its previous standing. He said that the 615 area, which is right on Market Street, there has already been graffiti that is on the building

and skateboarders have begun to skate and scrape up cement on Lord Nickens Street. He went on to say that he would like to have a mural on the front big area as well as the second portion in and in the middle they were trying to think of something else to put there but that is not close to having a decision made. He added that they have talked to the person that owns 613 N. Market Street and he has given consent to go ahead and paint a 20' by 20' mural on the side of his house.

Mr. Russin asked if the applicant could provide sketches of the artwork that is proposed for the mural. Mr. Waxter answered that would be a valid request but the Commission would not have the authority to demand it. He added that the Commission does ultimately have to review what is going to be placed there to ensure it is not signage or advertisement but in the grander scheme if something were to be put up there that was inappropriate or offensive he did not think this Commission is the Commission that could put a halt to that action.

Mr. Winnette asked the applicant if they would be amenable to continuing the case to a workshop in two weeks to provide the Commission with any information they are willing to and also to provide the opportunity to talk further about the staff recommendation. Mr. Owens answered that he would like to go to workshop in two weeks so he can get information together to provide to the Commission.

Public Comment

Randy Jones, owner of Café 611, stated that no one has asked him anything and 80% of the wall is attached to his restaurant and he did not hear a word about the mural. He went on to say that they talked to his neighbor but no one went in the restaurant, where he is from 11:00 in the morning all afternoon, to say I would like to talk to you. He went on to say that whole environment that is still having problems. He said that the contractor was in there trying to stop the water from leaking and he is waiting on it to rain again to see if the water is going to leak. They are talking about a mural on the wall but he would like to talk about stopping the water from coming through the wall. He added that he was a friend to the Housing Authority and he wanted to be on the 600 block of Market Street because he knew he could make a difference and he works hard in that community. Mr. Jones went on to say that he does not know who owns that wall. He knew who owned the building prior to tearing it down but he does not know who owns it now. He said that Guidelines state very clearly that it is not to

change the historical structure but someone but block and brick on part of the building and left the part of the building that is adjacent to his restaurant exposed so that you could put six inches of your finger in the wall. He would like the Commission to do is to first get the wall in condition to be a decorative part of the community.

Phil Norton, resident at 210 E. 6th Street, stated that this is the area he lives in and he thought he heard the Commission say they don't have any jurisdiction over the art content that may be put on buildings but as a resident of the area he would prefer that they do have some insight as to what goes on the side of buildings. He went on to say that he didn't know how high the mural was going to be off the street but whether a mural would attract graffiti being added in competition with this building. He added that if the murals contain the caption or logo of the Housing Authority of the City of Frederick he would object to that because he did not know if the Housing Authority is in fact a part of the City of Frederick it is more like the Housing and Urban Development of DC.

Applicant Rebuttal

Mr. Owens apologized if anyone there had been insulted by any lack of conversation and he was under the impression that when the project was handed to him there had been more conversations between people above him and Mr. Jones but he was wrong. He went on to say that he was ill-prepared that evening and did not have enough information. They are working with artists to developing sketches and some ideas which they will talk about at the workshop. He was not sure who owned the wall but he was told that pretty much past 613 if you look at the wall on one side it belong to 611 and on the outside because of the purchase of the building by the Housing Authority the outside was owned by the Housing Authority since it's a shared wall.

Staff Recommendation

Staff recommends approval of the painting of one 20' x 20' mural on the rear wing only of 613 North Market Street only and two 8' x 16' murals on the north side of 611 North Market Street (fronting on Lord Nickens Street) with the condition that they are centered between the existing piers (where applicable), that the murals of the same height align top and bottom and that the final designs be submitted for staff approval to ensure that they are not signage or advertising.

Paint mural on side of building
Norman, agent

Kara

Emily Paulus

Presentation

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking Level 2 review of a painted sign and associated mural to be located on the side of a contributing building in the historic district. The sign is part of the Wayfinding program, which was approved by the Commission in September 2008. During the Level I review, a painted wall sign was shown in some of the early design development concepts for the parking sign types and received favorable preliminary feedback; no specific design or concept was ever approved.

The sign would be painted on the exposed east elevation of the contributing building, and includes a "Park Here For" arrow that mirrors the existing painted sign at 26 South Market Street. A text bar that includes nearby destinations would follow the arrow. The "Downtown Frederick" logo would also be painted on the side of the building. The mural would include faux windows and a cornice to be painted at the building's upper story.

Following the workshop, the applicant submitted four revised options to address comments made at the hearing:

- Option 1: Includes shorter windows, a simplified cornice (with end brackets), and a staggered text bar
- Option 1.2: Includes shorter windows, a simplified cornice (without end brackets), and a staggered text bar
- Option 2: Includes shorter windows, a simplified cornice (with end brackets), a staggered text bar, and a musical bar underneath
- Option 2.2: Includes shorter windows, a simplified cornice (without end brackets), a staggered text bar, and a musical bar underneath

Discussion

Kara Norman, with Downtown Frederick Partnership, stated that all the changes made were in an attempt to address the comments that were made at the last meeting and there is one other small change is that the text has flipped. She said that as it relates to the specific staff recommendation the HPC asked that they include the musical notes as well, which was not mentioned in the staff report, and she did include that in the packet. The property owner does not like that option and would prefer the musical notes not be included. Ms. Norman went on to say that the two other comments that staff mentioned relating to the bar, faux window and cornice, as far as the bars of text the property owner is fine with either Public Library or Carroll Creek Park. They did modify the bars as reflected by the comments they received last time so the middle bar ends under the "O" and the second bar ends at the outer edge of the "Park Here For" arrow. She appreciated staff's comments however per consistency with the other mural as well as the desire to clearly communicate the National Museum of Civil War Medicine it was her preference to include the full name of the museum on the bar. She stated that as it relates to the faux windows and the cornice the property owner felt very strongly that those two should be included in the mural as was requested last time and they have greatly simplified the cornice and she knew the property owner did not have a strong preference between the corner brackets and non-corner brackets and as requested they greatly reduced the size of the faux windows.

Mr. Wesolek appreciated them moving the text bars the different ways and he thought it looked very nice.

Mr. Winnette asked what the property owner would do if the faux windows and cornice were not approved. Ms. Norman answered that he would not be supportive without those elements included. Mr. Winnette asked is she had spoke with the property owner about the windows being abstract. She said that she mentioned that to both the graphic designer as well as the muralist and they were a little unclear about what that would be. She added that since the beginning of this concept of doing these signs on the sides of these buildings they have always included some sort of faux building element to create a sense of place. She understood that staff felt they created more prominence to this façade then the façade but she thought that wasn't the case. In the case of this particular building it has a detailed façade with a lot of character defining features. The two story bay window is a very strong element that sticks out whether you are on the side of the building or in front of the building and the cornice has been painted so you can really notice the architectural detail on that cornice line

so they were trying to echo what happened with a lot of work that has been put on the sides of buildings throughout Downtown.

Mr. Russin asked if the purpose of the two faux windows was to match the two existing windows on the second level. Ms. Norman answered yes to create some balance rather than to have a big red wall.

Mr. Baker asked if the cornice would be totally a paint job. Ms. Norman said yes and they had done a little bit with photoshop but that is the best way they have to illustrate it but it will be all paint. Mr. Baker stated that he had a problem with the false historicism of the design and he would be more interested in fun windows. He added that the two murals that have windows that are totally out of place but are delightful to see, one being the duck flying out of the window, but that window would never be there and would be impossible to build but the folly of it is what is enjoyable because it is such an extreme design that it is compatible and has a relationship with the building itself. He went on to say that the one with the angels in the window is an exact replica of the Kemp Hall building which is again a total folly. He said that the case they have before them is a sign and a sign is different from a mural which is why they are having a little bit of trouble putting in some false architectural features. He loved the graphics and thought that everything else down around that is fine and he is getting used to the windows but the he had a big problem with the cornice because it is a sloped cornice line on a single pitched roof. The design would be something that would be completely horizontal and the slight incline of it is going to violate what is really there done by photoshop.

Ms. Norman stated that unless she mis-interpreted the direction of the Commission about the windows incorrectly she thought she was supposed to be headed towards simpler and smaller not bigger with additional architectural detailing. Mr. Daniel stated that one of the comments given to her was the abstraction of the windows. He added that echoing the concerns that staff and Mr. Baker expressed about the faux anything is against what they are here for and he encouraged them to be creative if they wanted to reference cornices or windows or to do something that is non-imitative but referential. He stated that he would like to think her artist could rise to the occasion of that without reverting to mimickery.

Mr. Russin stated that it seemed like they were moving into public art and he thought they should bring their attention back to the signage itself. Mr. Baker thought Frederick could have serious architecture and fun architecture and part of the draw in Downtown is to have some imagination. He encouraged some faux painting up there of sorts but to meet what the Commission needs are from a Guidelines point of view it should be more abstract.

Mr. Wesolek liked the sequence of the labels on option 2 where they put the Public Library on top and the Carroll Creek Park in the middle then the Museum on the bottom because it steps very nicely. He added that he liked everything about option 2 besides the cornice and the windows so if they could figure out those two things he would be good to go. Mr. Baker liked 2.0 as well.

Mr. Winnette asked if she could work with the artist to figure out what it means to do these windows in such a way that they aren't mimickery. Ms. Norman stated that she was not sure what the Commission wanted. Alderman O'Connor asked if they came in with a proposal of Barbara Fritchie hanging out the window holding a flag would they consider that whimsical since clearly it is not mimickery other then from an artistic stand point its mimickery of a famous poem but would something like that fit the idea that they created something that is not an attempt to show that this really existed in that place. Mr. Baker said that is a good example of what he was trying to relate to what he would see the signage as.

Mr. Daniel could not see how the windows and the cornice contribute to the sign because just aesthetically since there is a design energy on the front edge down below which is going towards the parking. Ms. Norman stated that to her they create a sense of friendliness and approachability to the sign and it gives it scale and pedestrian friendliness to the building as well. Mr. Daniel stated that there are other ways to achieve what they are going for.

Mr. Daniel asked the applicant if they would be amenable to continuing the case to another hearing. She said that was fine.

Public Comment

Philip Norton, resident at 210 E. 6th Street, stated that if they could bring in a consultant on art in this that could help her out with some of this and windows have reflections so images that go onto the windows so maybe some reflection on the window of something outside of the window might be a good idea.

Staff Recommendations

Staff recommends that the Commission approve the painted sign, with the following conditions:

- That the text bar be reduced in width so that the bottom two bars terminate beneath the "o"; and
- That the "Downtown Frederick" text be significantly muted in color (with final color selection to be approved by staff prior to installation); and
- That the faux windows and cornice be eliminated.

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Motion: Scott Winnette moved to continue HPC10-230 at 38 E. Patrick Street until the July 22, 2010 hearing.

Second: Shawn Burns

Vote: 8 - 0

**11. HPC10-206
Simpkins**

134 W. 3rd Street

Edward

Repoint brick and apply limewash paint
agent

Bill Castle,

Emily Paulus

Presentation

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking post-construction approval for the application of limewash to a previously unpainted contributing duplex. The limewash was applied to the first two floors of the building's west elevation. It is the applicant's intent to apply the limewash to the remaining areas of the west elevation, with the final application to be pigmented with a red color to approximate the color of the brick.

The application also seeks approval to repoint the upper floor of the west elevation, where the applicant states that moisture is seeping through the masonry. Type K mortar (1 part cement to 3 parts lime to 10 parts sand) is proposed.

Discussion

Bill Castle, representing the applicant, stated that as a point of background he has been a professional stone mason and he has remodeled 23 buildings in the last eight years not necessarily in the Historic District but he has done brick masonry and block, toxic chemicals, non-toxic chemicals, paints and solvents so he had a pretty good feel for this building. He also knew a lot about limewash; not the recent chemical compositions of limewash but he had extensively used it in the past. He said that there are three tiers to the discussion and the first instance is that there was a citation or violation issued to Mr. Simpkins and he did everything with meticulous detail. When he first started the project he went online and looked at the Historical Commission requirements and he felt he was fully in total compliance with the work that he was doing. The wall in question was painted when he moved in the house in 1987 and he removed the paint from 1987 until about the early 1990's. Mr. Castle stated that when Mr. Simpkins went online and looked at the Historical Commission documentation that is available on the website it addresses the Rules and Regulations for the type of work he wanted to do and he felt what he was doing fell under minor rehab. The second part of this is that they had found discrepancies that the staff had come up with and they wanted to point that out to help get this application approved. Mr. Castle provided a painting and said that it was done by Helen Smith in 1989 and that was what Captain Massie Simpkins expected his property to look like when he completed the exterior renovations. He pointed to the section of the building where the mortar was deteriorating and with the deterioration the paint that was on the west side of the

building had overtime collected water between the paint and bricks which caused the brick to deteriorate. He added that the good thing about the limewash is in some cases you can use a cement mortar to repair the corners of broken brick and when you put the limewash over that it seals it and allows it breathe and water can not be trapped in there. He wasn't sure how much lime wash had been done in the City but hopefully since Mr. Simpkins has come up with something they might want to consider as an option to paint for future applications in the City because it is extremely effective. It does take a lot of labor because it is about eight thin coats and you add the pigment in the last two or three coats. Mr. Simpkins was looking to do a red color but he has gone back to the white. He said that since the building had been previously painted the argument of the recommendation to deny the application because it had never been painted does not hold water. In his experience with mortar and in looking at the back part of the building there are pockets with more deterioration then others in the mortar and some parts of the brick so you can't just do a portion of it because it would look like patch. Mr. Castle stated that as a professional in the masonry trades it would be very inappropriate to try to ever remove that because at the best and at the worst the two or three coats that he already has on there is the perfect sealer.

Amy Davis showed pictures of the original door and condition of the bricks.

Mr. Baker asked if the owner removed the paint from the front of the building as well. Mr. Castle answered no that the building was as it is now when he purchased it in 1987. Mr. Castle said it seemed that at some point years ago the front had been sandblasted or power washed because the brick is porous. Mr. Baker asked how the similar the west elevation is to the front elevation. Mr. Castle answered that it appeared to him that the west side was never sandblasted but was cleaned by Mr. Simpkins with scrapers and brushes.

Mr. Daniel asked if, apart from the 1989 painting and the 1975 photograph of prior painting, they knew of any other evidence that the building was originally painted. Mr. Castle answered that it would be inconsistent in the City or most Historical Districts for a late 1700's property to have not been painted at some point because that was used to protect the very porous low fired brick.

Mr. Daniel stated that to give the Commission a chance to digest all the new information that was given to them and to give a chance for the applicant to get the information to staff for further investigation, he strongly encouraged going to the next hearing where staff could do another staff report based on what the applicant presented.

Mr. Burns asked if the applicant could provide the documentation showing the removal would damage the brick or that it helps with stabilization of the brick. Ms. Castle answered sure that he could do that or he could have other experts offer their collective evaluation.

Mr. Castle stated that he would like his case to be continued to the next hearing for further investigation.

Public Comment - There was no public comment

Staff Recommendations

Staff recommends that the Commission deny the proposal to apply limewash to the west elevation of the building, because painting previously unpainted masonry is not appropriate in this historic district and the applicant has not demonstrated that it is necessary to stabilize deteriorating brick.

Staff recommends that the Commission approve the removal of the limewash using the gentlest means possible, such as a white vinegar rinse, diluted mild acid solution, or other comparable method, subject to a test patch to be approved by staff.

Staff recommends that the Commission approve the repointing of the building's west elevation using Type K mortar and matching the original as closely as possible in terms of composition, color, joint width, and tooling.

Motion: Scott Winnette moved to continue this case until the July 22, 2010 hearing.

Second: Shawn Burns

Vote: 7 - 0

**12. HPC10-208
Memorials**

500 S. Market Street

Lough

Enclose entryway, modify roof form and replace siding materials

Lisa Mroszczyk

Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the following alterations to a non-contributing resource:

- The infill of an existing overhang at the front entrance with multi-light fixed aluminum window and aluminum doors;
- Raising the roof over the entrance;
- Replacement of the diagonal wood siding with a precast artificial stone (Eldorado Bluffstone or Stacked Stone) water table and synthetic stucco;
- Wrapping the existing columns with PVC columns and connecting them with arched aluminum clad wood trim; and
- Installation of a new roof structure with asphalt shingles.

The new signage and lighting is not included as part of the application and will be submitted as part of a future application.

Discussion

Bruce Mahlandt, with CMW Group, stated that they were in agreement with the fiber glass columns in place of the vinyl and they were also in agreement to go ahead with the smooth finish fiber-cement panel or Hardi-Plank. They were also in agreement to use the wood trim in place of the aluminum clad trim. So they were in agreement with the report.

Mr. Dylus asked how they planned on doing the smooth Hardi-Plank on the west with the scored synthetic stucco. Mr. Mahlandt answered that you would not have the scores anymore although they would prefer to use the synthetic stucco but they were agreeing with staff as more of a compromise.

Mr. Baker stated that he did not have a problem with the synthetic stucco since it is scored in such a way that clearly its contemporary however he was worried about the stone because it is not stone, it is cement made to look like stone but since it is a non-contributing resource that would be a consideration. He just wanted to bring that because if they are also accepting the pre-fabricated columns then the whole building is going to be a big combination of things they do not approve. He was curious as to why they were doing a sloped overhang on a building that looks very clean and nicely proportioned and now they are going to an asphalt shingle. Mr. Mahlandt thought it gave it more dimension to the building and to add some more thermal value to the building. They were also trying to go with maintenance free materials on the outside of the building. Mr. Baker thought he would do the same concept but a little bit differently because those arches and asphalt shingle roof is not appropriate for the entrance to town. Mr. Mahlandt stated that the building does a lot of display for the product that he sells so they have separate segmented pieces along there with some new shadow lines and some new opportunities for better lighting which will help his business so it is not just the aesthetic of the building but to also help what he sells.

Mr. Daniel biggest concern was the roof form because the introduction of the new gable roof form is alien to that building type.

Mr. Daniel thought they should workshop either that evening where they could get some further input unless they wanted a vote that evening. Mr. Mahlandt stated he would like to go to the workshop that evening then another hearing.

Public Comment - There was no public comment

Staff Recommendations

Staff recommends approval drawings A-1, A-2, A-3, A-4 and A-5 dated June 17, 2010 (not including signage and lighting) and materials to include precast Eldorado Bluffstone or Stacked Stone and Tamko Heritage 30 asphalt shingles with the following conditions:

- Painted fiberglass columns surrounds in place of the vinyl column wrap;
- Smooth finish fiber cement panel or MDO in place of the synthetic stucco, to be painted;
- Non-clad painted wood trim or fiber cement trim in place of the aluminum-clad trim.

Motion: **Tim Daniel moved to continue to the workshop immediately held after the meeting and that the voting hearing will continue to the July 22, 2010 hearing.**

Second: **Scott Winnette**

Vote: **8 - 0**

13. HPC10-212

210 E. 6th Street

Philip Norton

Install wrought iron double railings

Lisa Mroszczyk

Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the installation of a decorative wrought iron railing on an existing brick stoop at a contributing resource dating from the late-nineteenth century.

Discussion

Phil Norton, the applicant, stated that he had been looking for something that he could put into a railing design and the fleur-de-lis is actually 19th century cast iron and he thought they would be a nice element to add into the design since they are from a period that would be consistent with the house. He added that King Architectural Company supplies metal fabrications to people which he found to be pretty helpful. The other design element that he got for the project are pretty typical for that type of railing design. He said that he redesigned it with a 4 inch design and he liked it better with the more pickets in it. He added that the second bar that the fleur-de-lis rests on is going to have a flange on it that will drop down in a 90 degree angle so that there will be plenty of room for the welder to drill the hole to put in a hex-sleeve for the expansion into the mortar joints and the bottom crossbar will have same thing.

Mr. Baker asked if the 7/8" handrail on the top was a solid bar or if it was a molded form. Mr. Norton answered that it was the standard supply molded top. Mr. Baker then asked if the handrail comes down to give a little curl at the bottom. Mr. Norton answered that the design he just stuck on there but after looking around town a lot of them had the lambs tongue sort of format which he preferred since it is common around town.

Mr. Daniel asked the applicant if they wanted to amend their application to include the lambs tongue design at the bottom of the handrail. Mr. Norton answered yes.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends approval of the installation of wrought iron metal railings at the existing brick stoop according to the revised design dated 6/20/2010 with the condition that the attachment to the building is in the mortar joints only.

Motion: Tim Daniel moved to approve the addition of the wrought iron handrails to the existing stoop with the requested modification of the lambs tongue at the end of the handrail to be submitted to staff for review and that the handrail at the building be connected at mortar joints only per the revised drawing dated 6/20/10 with the exception of the addition of the lambs tongue.

Second: Timothy Wesolek

Vote: 8 - 0

The meeting was adjourned at 9:56 PM.

Respectfully Submitted,

Shannon Albaugh

Administrative Assistant