

HISTORIC PRESERVATION COMMISSION
HEARING MINUTES

JULY 22, 2010

Commissioners

Tim Daniel, Chairman

Scott Winnette, Vice Chairman

Timothy Wesolek

Robert Jones

Joshua Russin

Gary Baker

Shawn Burns

Brian Dylus, Alternate (not present)

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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

Nick Colonna, Division Manager of Comprehensive Planning

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. Jones recused himself from HPC10-244 located at 77 S. Market Street.

Mr. Daniel announced he would need to recuse himself from HPC10-194, HPC10-195, HPC10-196 and HPC10-121.

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

II. Approval of Minutes

1. July 8, 2010 Hearing / Workshop Minutes

Motion: Timothy Wesolek moved to approve the July 8, 2010 hearing minutes and July 8, 2010 workshop minutes as written.

Second: Scott Winnette

Vote: 7 - 0

- **II. HPC Business**

2. Proposed Revision to the Rules of Procedure and Regulation

Discussion

Ms. Mroszczyk announced that she had sent an e-mail about this and after talking to the Mr. Waxter it was determined that the Rules of Procedure was not the appropriate place for the language that they were suggesting. The way members of the public would bring potential sites that are worthy of designation to the Commission would be dealt with internally. She added that there would be a handout on and it would be posted on the website. Mr. Daniel asked if it was removed from the agenda. Ms. Mroszczyk answered yes.

IV. Consent Items

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There were no consent items.

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•V. Cases to be Heard

3. HPC10-194

614-634 N. Bentz Street

Teresa Justice

Install roof mounted photovoltaic panels on a portion of pitched
Fine, agent

Matthew

Roofs, substitute wood lap siding to fiber-cement siding.

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that the applicant seeks an amendment to a previous approval for the North Market Street revitalization project. This application specifically concerns five of the duplexes along North Bentz Street. The proposed amendments include substituting the previously approved wood lap siding and trim with fiber cement siding and trim, installing photovoltaic panels on a portion of the side and rear facing roof slopes and substituting Tamko Heritage 30 asphalt shingles in "Rustic Black" in place of the previously approved "Tweed Blend" and "Slatetone Grey" colors. The revised application also includes a more uniform orientation of the panels.

Applicant Presentation

Matthew Fine, with Zavos Architecture and Design, summarized the revisions that they had made since the last workshop where the Commissioners expressed general

acceptance of the approach. There was some feeling that they could do better with the orientation and rhythm of the photovoltaics to reflect the pattern and rhythm of the architecture. He compared the original submission and the revision drawings to point out some changes. One change was the photovoltaics in landscape formation mixed with some in portrait. They have now separated them out and centered them with the architecture of the buildings and orientated them all in either portrait or landscape. He said that the other buildings themselves would be a little more vertical than the duplexes on N. Bentz Street which is more of a landscape position. From the perspective on the south part of N. Bentz Street there is a regular rhythm that they wanted to impart. He said that they shifted some modules so there was not an irregular twisting of a panel up in the cricket area. He pointed out that rather than the project being a single building it is five City blocks and it is not sandwiched in between two historic buildings and they are literally on the border of the Historic District, and as a unified whole, the intent was to bring some regularity and cohesiveness. The development's alleys are more public rather than the traditional ones in downtown so the buildings will be seen as a whole instead of just the front façade. He said that they have to work with where the sun is and the orientation of the building is prime to making this work. They took into account the priorities of the sun to make it feasible and another being the least impact on the street which is very difficult. He went on to say that they have balanced a lot of things and they thought the approach addresses the rhythm and scale question.

Public Comment

Rachel Kavanagh, resident at 235 W. 5th Street, stated that she was in support of the project and she would like to see specifically the application for the panels that get approved. She noted some of the concerns from staff that it may take away from the streetscape but she thought the overall benefit to the integrity of the design and as a whole the idea of the project outweigh the concerns posted by the staff. She encouraged the Board to approve all of the requests presented for this project.

Matt Edens, resident at 107 W. 5th Street, stated that their property backs up directly to the site so they are very close to the development. He also urged the Board to approve the amendments as submitted.

Commission Discussion Questioning

Mr. Russin disagreed with staff about removing the photovoltaics at 624 N. Bentz Street because it is a newer development and it is all new construction so it kind of fits with the existing neighborhood design and he wasn't sure if having a ground based photovoltaic could be an alternative besides modifying the entire roof design. Mr. Wesolek agreed with Mr. Russin.

Mr. Baker asked if the solar panels were flush with the roof and if the roof angles would be changed any to get the maximum benefit of the solar panels. Ms. Mroszczyk answered that the applicant's memo from July 12th stated that racked arrays have not been pursued so her understanding would be that all the panels are flush with the roof. Mr. Fine added that the panels would be at the same slope as the roofs and will stand off just the minimum amount so they can breathe underneath.

Mr. Winnette stated that he was on the Commission for much of the project and they were very deliberate in the design so he agreed with the staff report. He stated he does not want to impair this project and its efforts but he would like more time to be spent on the design of these buildings to tackle some of the issues.

Alderman O'Connor asked if there was a possibility for the building to be redesigned. Mr. Fine answered that anything is possible but it is a slippery slope. He added that they have done everything they can with the existing roof slopes and to keep the efficiencies they need to make this possible. If they would need to reconfigure the roofs, they would have to reconfigure the facades because the roofs are organic of the facades and the overall mass.

Staff Recommendation

Staff recommends approval of substituting the previously approved wood lap siding and trim with fiber cement siding and trim because it is compatible traditional siding materials in the historic district and does not detract from the streetscape.

Staff recommends approval of the installation of Schuco MPE modules MS 05 series solar panels on all rear (east) facing roof slopes because it is consistent with the guidelines as described in this report.

Because the applicant has not demonstrated that the proposed buildings could not be designed so that the photovoltaics are located on the rear or obscured from view from the street, or that photovoltaics compatible with the texture, size, shape and scale of materials in the historic district could not be utilized, staff recommends approval of the installation of Schuco MPE modules MS 05 series solar panels and on the rear half of side (south) facing roof slopes only on 614, 618, 620, 626, 628 and 634 North Bentz Street so the impact on the streetscape and the buildings' overall design is limited; and

Staff recommends denial of the installation of solar panels on the entire side (south) facing roof slope of 624 North Bentz Street because it is located on a corner lot and is entirely visible from both North Bentz Street and Lord Nickens Street.

Staff recommends approval of the change to "Rustic Black" shingles.

Motion: Robert Jones moved to approve substituting the previously approved wood lap siding and trim with fiber cement siding and trim because it is compatible traditional siding materials in the historic district and does not detract from the streetscape, the installation of Schuco MPE modules MS 05 series solar panels on all rear (east) facing roof slopes because it is consistent with the guidelines as described in the report, installation of Schuco MPE modules MS 05 series solar panels on 614, 618, 620, 626, 628 and 634 North Bentz Street, installation of solar panels on the entire side (south) facing roof slope of 624 North Bentz Street, and the change to "Rustic Black" shingles.

Second: Timothy Wesolek

Vote: 5 - 1, Scott Winnette opposed

4. HPC10-195

21-29 Lord Nickens Street

Teresa Justice

Install roof mounted photovoltaic panels on a portion of pitched
Fine, agent

Matthew

Roofs, substitute wood lap siding to fiber-cement siding.

Lisa Mroszczyk

Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that the applicant seeks an amendment to a previous approval for the North Market Street Revitalization (Hope VI) project. This application specifically concerns eight of the town houses along Lord Nickens Street.

The proposed amendments include substituting the previously approved wood lap siding and trim with fiber cement siding and trim, installing photovoltaic panels on the roofs, substituting Tamko Heritage 30 asphalt shingles in "Rustic Black" in place of the previously approved "Tweed Blend" and "Slatetone Grey" shingle colors on 21-25 and 24-28 Lord Nickens Street and the previously approved "Slate Gray" standing seam metal roof on 27-29 Lord Nickens Street. On the south side of the street, the panels will be located on rear facing roof slopes only. On the north side of the street, the panels will be located on both front and rear facing roof slopes.

Applicant Presentation

Matthew Fine, with Zavos Architecture and Design, stated that his comments would repeat from the previous case but they would still like to maintain the "Rustic Black" shingle.

Public Comment - There was no public comment.

Commission Discussion Questioning

Mr. Baker asked if the applicant wanted to replace the standing seam metal roof with shingle. Mr. Fine answered yes. Mr. Baker asked if the reason they wanted shingle roof instead of the standing seam was for easier or better installation of the panels. Mr. Fine answered that it was easier and cleaner to do it to shingles but if the Commission and staff would recommend the standing seam they could be flexible on that. He added that the intention was to pick a color that would be as close as possible to the panel and with a prefinished metal panel they had less choices so they would go with a dark slate grey color.

Mr. Winnette stated that his comments that concerned the previous case would also apply to this case.

Staff Recommendations

Staff recommends approval of substituting the previously approved wood lap siding and trim with fiber cement siding and trim because it is compatible with traditional siding materials in the historic district and does not detract from the streetscape.

Staff recommends approval of the installation of Schuco MPE modules MS 05 series solar panels on the rear facing roof slopes (south facing on #24, 26, 28 and north facing on #21, 23, 25, 27, 29) because this placement is consistent with the guidelines as described in this report.

Because the applicant has not demonstrated that the proposed buildings could not be designed so that the photovoltaics are located on the rear or obscured from view from the street, or that photovoltaics compatible with the texture, size, shape and scale of materials in the historic district could not be utilized, staff recommends denial of the installation of solar panels on the front (south) facing roof slopes of #21, 23, 25, 27, 29 Lord Nickens Street.

Because staff is not recommending approval for any street facing panels, denial is also recommended for the change to "Rustic Black" shingles on all units to maintain the variation in color along the street.

Motion: Joshua Russin moved to approve substituting the previously approved wood lap siding and trim with fiber cement siding and trim, installing photovoltaic panels on the roofs, and allowing the standing seam metal roof that was previously approved to have a finish that would match the solar panels on the north and south facing elevations at number 27 and 29 Lord Nickens Street.

Second: Gary Baker

Vote: 5 - 1, Scott Winnette opposed

5. HPC10-196

18-22 Lord Nickens Street

Teresa Justice

Install roof mounted photovoltaic panels on a portion of pitched
Fine, agent

Matthew

Roofs, substitute wood lap siding to fiber-cement siding.

Lisa Mroszczyk

Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that the applicant seeks an amendment to a previous approval for the Hope VI-North Market Street revitalization project. This application specifically concerns four duplexes along Lord Nickens Street. The proposed amendments include substituting the previously approved wood lap siding and trim with fiber cement siding and trim, installing photovoltaic panels on a portion of the front and rear facing roof slopes and substituting Tamko Heritage 30 asphalt shingles in "Rustic Black" in place of the previously approved "Tweed Blend" and "Slatetone Grey" colors. On the south side of the street, the panels will be located on rear facing roof slopes. On the north side of the street, the panels will be located on front facing roof slopes.

Applicant Presentation

Matthew Fine, with Zavos Architecture and Design, stated that his comments from the previous cases would apply but he pointed out that the documents already discussed are the same that apply to this case.

Public Comment - There was no public comment.

Commission Discussion Questioning

Mr. Baker stated that they should think about whether all the roofs should be black or not in order to coordinate with everything. The comment by staff regarding variation in color is important and should be considered in this case.

Mr. Russin asked staff to restate which roof colors had been approved by the Commission that evening. Ms. Mroszczyk answered that the change to "Rustic Black" was approved in the first two cases except for a standing seam metal which is to be a dark color. Mr. Baker thought that a lighter colored roof would keep the roofs cooler and give them a color variation which is part of Frederick.

Staff Recommendation

Staff recommends approval of substituting the previously approved wood lap siding and trim with fiber cement siding and trim because it is compatible with traditional siding materials in the historic district and does not detract from the streetscape.

Staff recommends approval of the installation of Schuco MPE modules MS 05 series solar panels on the rear (south) facing roof slopes of 18, 20 and 22 Lord Nickens Street because this placement is consistent with the guidelines as described in this report.

Because the applicant has not demonstrated that the proposed buildings could not be designed so that the photovoltaics are located on the rear or obscured from view from the street, or that photovoltaics compatible with the texture, size, shape and scale of materials in the historic district could not be utilized, staff recommends denial of the installation of photovoltaic panels on the front (south) facing roof slope of 19 Lord Nickens Street.

Because staff is not recommending approval for the street facing panels, denial is also recommended for the change to "Rustic Black" shingles on all units to maintain the variation in color along the street.

Motion: **Shawn Burns moved to approve substituting the previously approved wood lap siding and trim with fiber cement siding and trim, installation of Schuco MPE modules MS 05 series solar panels on the rear (south) facing roof slopes of 18, 20 and 22 Lord Nickens Street, installation of photovoltaic panels on the front (south) facing roof slope of 19 Lord Nickens Street. He moved to deny the change to "Rustic Black" shingles in all the units.**

Second: **Gary Baker**

Vote: **5 - 1, Scott Winnette opposed**

6. HPC10-121

447 W. South Street

Neil Sinclair

Demolish wood garage, kitchen addition, and side deck
Fine, agent

Matthew

Emily Paulus

Presentation

Ms. Paulus entered the entire staff report into the record and stated that the applicant seeks approval to demolish the following portions of a mid-19th century single-family dwelling:

- Post-1947 wood garage structure that adjoins the main block's west elevation, which was determined to be non-contributing;
- Post-1947 porch infill and adjacent deck and stair at the east elevation, which was determined to be non-contributing; and
- Mid-20th century one-story rear addition, which was determined to be contributing.

The structure is part of the HPC-approved Steiner Terrace development (HPC #09-89). The applicant's proposal includes demolishing the wood garage structure and leaving the space open, removing the one-story rear addition and replacing it with a smaller one-story sunroom addition, and removing the two-story porch infill and exterior stair and deck and replacing it with a slightly larger enclosed addition (HPC #10-254). In staff's preliminary opinion, the replacement plan appears to be consistent with the *Guidelines* in terms of height, scale, massing, overall design, and materials use.

Applicant Presentation

Matthew Fine, Zavos Architecture and Design, pointed out that they have closely looked at the structure and they found that if there were something there of any significance it had been either knocked down or covered over. They felt that the addition at the rear of the property is basically covering up what is historic.

Public Comment - There was no public comment.

Commission Discussion Questioning

Mr. Baker asked if a archeological assessment has been done at the site because it seemed to him that there could be significant artifacts there. Neil Sinclair, with Sinclair Real Estate, answered there was one done through the final site plan review.

Staff Recommendation

Staff recommends that the Commission approve the following, pending final approval of the replacement plan:

- Demolition of the garage, because its loss would not compromise the integrity of the streetscape or any surrounding historic properties, nor would it compromise the design integrity of the historic structure on the site;
- Demolition of the porch infill, deck, and stair, because their loss would not compromise the integrity of the streetscape or any surrounding historic properties, nor would it compromise the design integrity of the historic structure on the site;
- Demolition of the rear one-story addition, because its loss would not adversely effect or compromise the streetscape or any surrounding properties, nor would it render the historic main block non-contributing.

Motion: Timothy Wesolek moved to approve the following pending final approval of the replacement plan:

- 1. Demolition of the garage, because its loss would not compromise the integrity of the streetscape or any surrounding historic properties, nor would it compromise the design integrity of the historic structure on the site;
- 2. Demolition of the porch infill, deck, and stair, because their loss would not compromise the integrity of the streetscape or any surrounding historic properties, nor would it compromise the design integrity of the historic structure on the site;
- 3. Demolition of the rear one-story addition, because its loss would not adversely effect or compromise the streetscape or any surrounding properties, nor would it render the historic main block non-contributing.

Second: Shawn Burns

Vote: 6 - 0

7. HPC10-203

38 E. Patrick Street

Jon Harden

Paint sign on side of building with associated mural
Norman, agent

Kara

Emily Paulus

Mr. Daniel announced that the applicant requested a continuance.

Motion: Scott Winnette moved to continue HPC10-203 at 38 E. Patrick Street until the August 12, 2010 hearing.

Second: Gary Baker

Vote: 7 - 0

**8. HPC10-206
Simpkins**

134 W. 3rd Street

Edward

Repoint brick and apply limewash paint
agent

Bill Castle,

Emily Paulus

Mr. Daniel announced that the applicant requested a continuance.

Motion: Scott Winnette moved to continue HPC10-206 at 134 W. 3rd Street until the August 12, 2010 hearing.

Second: Shawn Burns

Vote: 7 - 0

**9. HPC10-208
Memorials**

500 S. Market Street

Lough

Enclose entryway, modify roof form and replace siding materials

Lisa Mroszczyk

Mr. Daniel announced that the applicant requested a continuance.

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Motion: Scott Winnette moved to continue HPC10-208 at 500 S. Market Street until the August 12, 2010 hearing.

Second: Gary Baker

Vote: 7 - 0

10. HPC10-242

111 W. 5th Street

Janice Martin

Replace front stoop

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 installation of a pressure treated stoop at the front façade of a mid-late 19th century duplex.

The existing stoop replaced an earlier pressure treated stoop that is visible in a 2002 photo on file with the Planning Department. The ca. 2002 stoop appears slightly more narrow and with a different railing system than the existing. A 1976 slide of the property shows yet another earlier, but non-original, wood stoop --with the steps running parallel with the building façade and an aluminum railing.

Applicant Presentation

Janice Martin, the applicant, stated that they needed to know what they need to do now.

Public Comment - There was no public comment.

Commission Discussion Questioning

Mr. Winnette asked if they were willing to bring the stoop into compliance. Ms. Martin answered that they are but she hoped that wouldn't mean tearing it down since they just constructed it. She added that this was the first thing they had done to the exterior of the house since it was in the Historic District.

Mr. Baker stated that he concurred with staff and he thought it was not appropriate to the neighborhood. He thought it should be redone to conform to the Guidelines because there are not redeeming features about it other than it looks like it is very well built. Mr. Daniel stated that he agreed with staff as well in the inappropriateness of the stoop. He added that sometimes there are grey areas in the Guidelines but in this particular case with the materials and configuration it is pretty black and white.

Mr. Winnette suggested moving the case to workshop either tonight or August 12th and they can really spend some time talking about materials and give them better instruction as to how they would bring it into compliance. Mr. Daniel asked if they would formally request to move on to a workshop and then they would proceed accordingly. Galen Martin, the applicant, answered yes.

Staff Recommendations

Staff recommends that the Commission deny the installation of the pressure treated stoop at the front façade of the property, because it does not comply with the Commission's *Guidelines* in materials use or design.

Motion: **Joshua Russin moved to continue the case to the August 12, 2010 hearing in addition to that it will be heard at workshop.**

Second: **Shawn Burns**

Vote: **7 - 0**

11. HPC10-244

77 S. Market Street

David Lingg

Replace all windows
LLC

United Plaza,

Lisa Mroszczyk

Mr. Daniel announced that the applicant requested a continuance.

Motion: Scott Winnette moved to continue HPC10-244 at 77 S. Market Street until the August 12, 2010 hearing.

Second: Gary Baker

Vote: 7 - 0

The meeting was adjourned at approximately 8:00 PM.

Respectfully Submitted,

Shannon Albaugh

Administrative Assistant