

HISTORIC PRESERVATION COMMISSION
HEARING MINUTES

OCTOBER 28, 2010

Commissioners

Scott Winnette, Chairman

Robert Jones, Vice Chairman (not present)

Timothy Wesolek

Joshua Russin (not present)

Gary Baker

Shawn Burns

Brian Dylus, Alternate

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Aldermanic Representative

Michael O'Connor (not present)

Staff

Emily Paulus, Historic Preservation Planner (not present)

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. 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

Mr. Dylus announced that he would need to recuse himself from HPC10-166 located at 112 W. Church Street.

II. Approval of Minutes

1. October 14, 2010 Hearing Minutes

Motion: Timothy Wesolek moved to approve the October 14, 2010 hearing minutes as written.

Second: Gary Baker

Vote: 5 - 0

- **II. HPC Business**

2. Discussion and Vote on *Frederick Town Historic District Guidelines* clarifications

Discussion

Ms. Mroszczyk stated that a few issues come up since the Mayor and Board Aldermen approved the revised Design Guidelines in April of this year. The Guidelines are ready to be printed at anytime but before numerous copies are printed staff wanted to make sure everything was the way they wanted it. The most important change staff wanted to address was the language regarding the painting of unpainted masonry. Currently the language states "Painting previously unpainted masonry structures will not be approved except in those cases where it will help stabilize deteriorating brick and only with prior Commission approval." Staff proposed that the Commission recommend approval to change the language to "The painting or coating of masonry structures that are not currently painted or coated will not be approved except for in those cases where it will help stabilize deteriorating brick and only with prior Commission approval." The second issue is an issue that was brought forth by the Building Inspectors. She went on to say that staff administratively approves many applications for fences throughout the year and one of the biggest complaints received is the requirement to paint fences. There are a lot of applicants that prefer to use cedar fences and wood that would age naturally to have a nice finish and there is a back log of permits that have not been resolved because fences have not been painted. Staff felt that there was no real good reason to have the requirement in there for fences being as they are a new feature and a landscape feature so staff proposed to change that

requirement so only fences facing the public right of way be painted. She stated that staff scheduled this for a Mayor and Board workshop on November 10, 2010 and if the Commission is prepared and comfortable with any modifications to it staff wanted a positive recommendation to take to the Mayor and Board from the Commission on the 10th regarding the language.

Mr. Dylus asked what the purpose was for changing the language of item number 5, the painting of unpainted masonry. Ms. Mroszczyk answered that from previous cases they have learned that the previously unpainted is unclear to some people. The language is not entirely clear so with this any building that has paint on it now can be repainted. Mr. Dylus asked if a building had paint on it 100 years ago and the building was sandblasted so now there is no paint on the building and the building owner would like to paint it to return it to what it was 100 years ago. Ms. Mroszczyk answered that would be a case where the applicant could come before the Commission and provide documentation that it was painted 100 years ago and the Commission can evaluate the information. Mr. Dylus asked if the word "not previously painted" be better than "not currently painted." Mr. Waxter answered that the trouble with "not previously painted" is there is not a clear definition to what previously painted means. He stated that the District Court seemed to struggle with the term in terms of how is staff defining previously. He went on to say does previously means at any point of time in that brick walls history or does it mean previously as of the time of application so there was a source of confusion.

Mr. Winnette preferred the wording as suggested so that these type of cases would still come before the Commission and they could treat the case according to its context.

Ms. Mroszczyk suggested moving this item to a workshop to discuss it further. Mr. Winnette thought that would be a good idea.

3. Vote on 2011 Meeting Schedule

Vote: 5 - 0

IV. Consent Items

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There were no consent items.

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•V. Cases to be Heard

4. HPC10-166

112 W. Church Street

John Laughlin

Landscaping in rear yard

Emily Paulus / Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk 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 with alternating evergreen hedges and painted wood trellises in the location of the former fence that separated the parking from the pool. The trellises will be the same height as the existing fence at the rear of the lot.
- 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.

Applicant Presentation

John Laughlin, the applicant, concurred with the staff report.

Commission Questioning Discussion

Mr. Baker asked if there was additional information such as where the fence is located in comparison to the house and more measurements for the planting bed. Mr. Winnette stated that some of the information was submitted by the applicant and was included in previous packets.

Mr. Wesolek asked how wide the planting bed would be. Mr. Laughlin answered that the width right now is about 4 feet and he wanted to get some input from the City Arborist about the plantings that will go in there and then they would shrink or widen the planting bed according to what is planted in the bed.

Mr. Laughlin stated that if more detail is needed about some of these things he would be happy to defer to staff or the City Arborist.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends that the Commission approve the following as in keeping with the *Guidelines*, which encourage greenspace in rear yards and other areas that are unpaved and devoid of buildings:

- Installation of planting beds in the location of the former shed foundations;
- Installation of a 3-4' wide planting bed in the location of the former fence, to include alternating hedges and painted wood trellises;

- 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.

Materials to be approved:

- Proposed site plan
- Photos showing location of proposed planting beds
- Elevation drawing of planting bed with hedges and trellises submitted 10/18/2010
- Aerial photo mock-up showing pool infill and trellis/hedge row submitted 10/04/2010

Motion: Scott Winnette moved to approve the following as in keeping with the *Guidelines*, which encourage greenspace in rear yards and other areas that are unpaved and devoid of buildings with final approval would be conditioned on submitting final details and measurements to staff:

- **Installation of planting beds in the location of the former shed foundations;**
- **Installation of a 3-4' wide planting bed in the location of the former fence, to include alternating hedges and painted wood trellises;**
- **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.**

The materials to be approved would include:

- **Proposed site plan**
- **Photos showing location of proposed planting beds**
- **Elevation drawing of planting bed with hedges and trellises submitted 10/18/2010**
- **Aerial photo mock-up showing pool infill and trellis/hedge row submitted 10/04/2010**

Second: Timothy Wesolek

Vote: 3 - 1, Gary Baker opposed

5. HPC10-284

600 N. Market Street

Daniel Crum

Replace asphalt roof with standing seam metal
agent

Jason Crum,

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns replacing the asphalt shingles on the mansard roof with standing seam metal and installing a new EPDM rubber membrane on the flat roof of a 20th century service building.

Applicant Presentation

Jason Crum, the son of Daniel Crum who is the owner of the property, stated that they were just going by the work that was done right around the corner on Bentz and Market Street with the standing seam metal roof that was placed on the old John Hansen buildings.

Commission Questioning Discussion

Mr. Baker asked if the standing seam roof would be real standing seam or would it be snap-lock. Mr. Crum answered that it would probably be the snap-lock because running a seamer on a mansard roof is much more difficult. Mr. Dylus asked if the standing seam on the John Hansen building was snap-lock. Mr. Crum answered yes.

Mr. Dylus stated that he was surprised by the staff recommendation that it be denied because it seemed to him that they talk about the fact that they want consistency in the neighborhood and they are supposed to look around to follow the rhythm of the rest of

the buildings. He thought that standing seam metal roof was much nicer than a shingled roof and he thought it added value to a building. Mr. Wesolek agreed.

Mr. Winnette asked if the applicant would be willing to replace with asphalt shingles if the standing seam is not approved. Mr. Crum answered yes but he would prefer the standing seam.

Mr. Baker asked what the spacing would be for the standing seam that they are proposing. Mr. Crum answered that generally it is 18 inches.

Mr. Dylus asked staff if the color of the standing seam roof would need to be submitted for their review if it were to be approved. Ms. Mroszczyk answered yes.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends denial of the replacement of asphalt shingle with standing seam metal on the mansard because it is not original or appropriate to the building.

Staff recommends approval of the installation of an EPDM rubber membrane on the flat roof.

Motion: Brian Dylus moved to approve the application as submitted which would be the replacement of asphalt shingles on the mansard roof with standing seam metal and the installation of an EPDM rubber membrane on the flat roof of the 20th Century service building with the condition that submission of cut sheets and color for staff approval.

Second: Gary Baker

Vote: 4 - 1, Scott Winnette opposed

6. HPC10-372

209 E. 6th Street

Alecia Rohrer

Demolish garage

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the demolition of a concrete block garage. The foundation and overhead door would be retained for use in the construction of a new garage (HPC10-373).

Applicant Presentation

Alecia Frisby, the applicant, stated that the garage was a huge factor in her purchasing the home on 6th Street, primarily because of the safety she felt it provides. She added that during the large snowstorm this past winter her neighbor's garage collapsed under the weight of the snow and fell onto her garage causing it to shift three inches. She stated that according to her contractor the garage is now a hazard and she would love to be able to rebuild the same garage.

Commission Questioning Discussion

Mr. Winnette stated that he did go to the site and saw many other garages of the same style and period so he was in agreement with the staff based upon his own review of the building.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends the Commission find the garage at 209 East 6th Street to be contributing to the significance of the historic district because it defines a pattern of development and has historical value as part of the post-war period.

Motion: Scott Winnette moved to find the garage at 209 East 6th Street to be contributing to the significance of the historic district because based on the Guidelines buildings, structures, sites or objects or parts thereof that help define the district can be considered contributing and buildings, structures, sites or objects that or parts thereof that add historical architectural value can be considered contributing and because it defines a pattern of development and has historical value as part of the post-war period.

Second: Brian Dylus

Vote: 3 - 2, Timothy Wesolek & Shawn Burns opposed

7. HPC10-373

209 E. 6th Street

Alecia Rohrer

Reconstruct garage

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the reconstruction of the garage proposed for demolition in HPC10-373. The new garage would be constructed utilizing the existing concrete block foundation and overhead door. It would have a gable roof similar to the

existing and door/window openings facing the yard will approximate the locations of the existing. Other proposed materials for the garage include:

- CertainTeed XT25 asphalt shingles;
- CertainTeed Monogram 46 vinyl siding;
- Jeld-Wen Steel 6 Panel Entry Door;
- Simonton Reflections 5500 vinyl window;
- Pressure-treated stairs and landing

The applicant also seeks approval for the following work to the principle building that dates from the 1890s:

- Replace windows on the side and rear of house with new Simonton Reflections 5500 vinyl windows;
- Replace the aluminum siding on the upper story of the rear wing with CertainTeed Monogram 46 vinyl siding
- Replacement of an existing sliding patio door on the first floor rear addition with a new Anderson 200 series vinyl clad patio door;
- Replace a deteriorated 4x4 at the side porch in-kind;
- Removal of a tree 75 inches in diameter at the southeast corner of the garage.

Applicant Presentation

Alecia Frisby, the applicant, stated that the majority of this application pertains to the house and not the garage.

Commission Discussion Questioning

Mr. Winnette asked staff if the application could be bifurcated so the renovations to the home could get started. Ms. Mroszczyk stated that once the Commission has acted on the application it can not be split up. Mr. Winnette explained that one option before the applicant would be to go to a workshop later in the evening to spend more time talking about the application. Ms. Frisby agreed to go to a workshop.

Public Comment - There was no public comment.

Staff Recommendation

A recommendation on this application will be made once the Commission determines if the garage is contributing or non-contributing and once action is taken regarding its demolition.

Motion: Timothy Wesoelk moved to continue this application until the next scheduled hearing on November 23, 2010.

Second: Shawn Burns

Vote: 5 - 0

**8. HPC10-390
Musser**

100 E. Church Street

MaryLou

Replace asphalt roof on rear wing with modified bitumen

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the replacement of an asphalt roof on a c. 1887 wing with a modified bitumen roof and painting it with an asphalt aluminum paint.

Applicant Presentation

Marylou Musser, owner of 100 E. Church Street, stated that this all started about three months ago when she noticed damage and it looked like the soffit was rotting. She went on to say that was when she contacted the roofing company and asked someone to check the roof and they informed her that she would need to have a new roof installed. She stated that he explained to her that with the flatness of the roof she may want to consider installing a bitumen roof. The roofer did not think metal would be an option but they guaranteed the bitumen would protect the property. She added that she was surrounded by bitumen roofing and they could make the bitumen any color. She also said that there is only a small section that can be seen from the public right of way.

Commission Discussion Questioning

Mr. Winnette stated that after reading the letter and hearing the staff report they are able to in a case by case basis look at conditions. He did go to the property and found it very difficult to see elements of the roof. He stated that there is some edging but if it can be painted and he was inclined because of the conditions and the report to allow the bitumen if that is the best way to preserve this building. Mr. Dylus agreed.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends denial of the application because the proposed roof material is not original or appropriate to the building and would encourage further investigation into the underlying problem of the soffits before approving an alternate material.

Motion: Brian Dylus moved to approve the application for the replacement of an asphalt roof on a circa. 1887 wing with a modified bitumen roof as proposed by the attached proposal by Hartman Roofing subject to the condition that the paint color on the soffit be submitted to staff for approval and also that any fascia boards that need to be removed are replaced in-kind.

Second: Shawn Burns

Vote: 5 - 0

**9. HPC10-392
Street Wells, LLC**

7 W. 4th Street

Fourth

Replace stairs, railing and decking at porch

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that the applicant seeks approval for rehabilitation work at the second floor side porch of a contributing building. The porch is visible from West 4th Street. The proposal includes the following:

1. Replacement of the porch flooring with 5/4 pressure-treated decking;
2. Replacement of the decking at the upper stair landing in-kind with 5/4 pressure-treated decking;
3. Replacement of the stair treads and stringers with pressure-treated wood;
4. Removal of the historic porch railing the non-historic stair railing and their replacement with a pressure-treated wood railing;
5. Removal of the first floor porch ceiling; and
6. Stain all wood with an opaque stain.

At the time the application was submitted the porch flooring, historic porch railing, non-historic stair railing and first floor porch ceiling had already been removed. The new stair treads and stringers have already been installed.

Applicant Presentation

John Wells, owner of 7 W. 4th Street, stated that it started because the stairs that were going down were very rickety and the tenant requested that the steps be replaced. He said that his contractor looked at replacing just the steps and when they got into looking at it there is a mix match of wood for the railing and the flooring was deteriorated so they went ahead and started the work. He apologized for not getting approval before he did not realize that needed to be done for a like kind of replacement. He added that he would like to go with deck board instead of the wood tongue-and-groove flooring. He was okay with going with a combatable type railing and he wanted the stringers and stairs to be pressure-treated. He stated that it would be nice if the entire structure could be pressure-treated and they would stain it to look like what was there before.

Commission Discussion Questioning

Mr. Winnette stated that they have cases related to porches come before them often and those porches are very important to the historic district and on almost every case they ask for the appropriate materials to be used. He said that there have been alternatives provided in sheathing pressure-treated but the Guidelines allow that because the pressure-treated is touching the ground so he found the staff report in very much in keeping with the Guidelines.

Mr. Winnette stated that what they have process-wise before them is a vote from the Commission and if the Commission follows the recommendation of staff then there would be a denial of the project. He mentioned that on the application it was requested that they do this quickly and the quickest was to do this is to come into compliance with the staff report and the Guidelines before them.

Public Comment

Jon Rock, the contractor, asked that with respect to the pressure-treated wood what the reasoning was that it could not be used on treads. He said that there is a Guidelines but he did not understand it because if you take pressure-treated wood and paint or stain it and you take tongue-and-groove and paint or stain it they look identical. Ms. Mroszczyk answered that the Guidelines to talk about pressure-treated wood having poor quality, it has a high moisture content and tends to warp which is why it is not appropriate. Mr. Rock added that he has not been successful in finding a handrail that

looks the existing and he hoped they could generate an opinion of where to find a material like that. Ms. Mroszczyk answered that there would be different options that staff could provide.

Applicant Rebuttal

Mr. Wells stated that this needs to be done because it is in disrepair right now so it can not wait. He added that he would like to amend the application to work with staff to get the approval.

Staff Recommendation

Staff recommends approval of the amended application with the condition that the final details and specifications be worked out with staff.

Motion: **Scott Winnette moved to approve the amended application that bring the materials for this reconstructed porch in compliance with the Guidelines with the condition being that the reconstruction materials and cut sheets be worked through with staff.**

Second: **Timothy Wesolek**

Vote: **5 - 0**

10. HPC10-396

24-26 S. Court Street

Devon Casey

Replace slate roof with synthetic slate, install storm doors

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the following work on a pair of contributing row houses constructed in the period 1904-1911:

- Replacement of the slate roof on the main block of the house with EcoStar Majestic Traditional synthetic slate in Federal Gray blend; and
- Installation of two Anderson 2000 Series Fullview Storm Doors at the front entrances (one is already installed).

Applicant Presentation

Devon Casey, owner of 24-26 S. Court Street, stated that this particular material was designed to replace slate with a more economical and environmental concern. She added that one of the reasons for bringing this in was the possibly having solar panels installed but solar panels could not go on a slate roof.

Commission Discussion Questioning

Mr. Winnette stated that they have as a Commission approved some applications with the Ecostar product but in his recollection it was only in areas of roofs that were less visible and this roof is quite visible.

Mr. Winnette asked if the applicant had thought about the possibility to repair the roof. Ms. Casey answered that there have been people up there replacing individual patches of the slate and two roof companies suggested replacing completely.

Mr. Winnette stated that it was important to him how you would move from what the applicant suggested to the next home which would be the original slate and that would be a very difficult thing to maneuver.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends denial of the replacement of the slate roof with Ecostar Majestic synthetic slate because it is inconsistent with the *Guidelines* as follows:

- It has not been demonstrated that roof cannot be repaired in-kind;
- Because slate is the original material and there are no other documented roof materials, it is the most appropriate replacement material in terms of design, color, texture if the roof cannot be repaired;
- Because slate is still available, it is possible to use the same material and a substitute material is not required;
- The roof adjoins another slate roof and it has not been demonstrated that the two will be compatible in appearance initially and over time.

Staff recommends approval of the installation of two Anderson 2000 Series Fullview Storm Doors with nickel hardware with the condition that they fit within the existing opening and have a finish to match the surrounding trim or underlying door.

Slate Roof

Motion: Brian Dylus moved to deny the replacement of the slate roof with Ecostar Majestic synthetic slate because it is inconsistent with the Guidelines as stated in the staff recommendation.

Second: Gary Baker

Vote: 5 - 0

Doors

Motion: Scott Winnette moved to approve the installation of two Anderson 2000 Series Fullview Storm Doors with nickel hardware with the condition that they fit within the existing opening and that the finish match the surrounding trim and underlying door.

Second: Brian Dylus

Vote: 5 - 0

The meeting was adjourned at 8:05 PM.

Respectfully Submitted,

Shannon Albaugh

Administrative Assistant