

**HISTORIC PRESERVATION COMMISSION  
SPECIAL HEARING MINUTES  
FEBRUARY 18, 2014**

**Commissioners**

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

**Aldermanic Representative**

Donna Kuzemchak (not present)

**Staff**

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

**I. Call to Order**

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

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**II. Public Hearing – Swearing In**

*“Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Historic Preservation Commission will be the whole truth and nothing but the truth? If so, answer “I do.”*

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**III. Announcements**

Ms. Murphy announced that the Commission will be holding a special workshop on February 25, 2014 at the Municipal Office Annex to discuss and seek public input on the draft design guidelines for individual properties and small districts. She added that the draft design guidelines can be found on the City website.

Ms. Murphy also announced that staff is still looking for nominations for the 2014 Preservation Awards. She added that the nomination forms are available on the website and the deadline for submitting nominations is March 14, 2014.

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#### IV. Approval of Minutes

##### 1. January 23, 2014 Hearing Minutes

**Motion:** Scott Winnette moved to approve the January 23, 2014 hearing minutes as written.  
**Second:** Timothy Wesolek  
**Vote:** 5 - 0

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#### V. HPC Business

2. Administrative Approval Report
3. Code Enforcement Report
4. Request for Demolition Review – 650 Carroll Parkway (Frederick High School)

**Motion:** Timothy Wesolek moved to not initiate the designation process due to information given to the Commission by the Maryland Historical Trust that says that this area does not have any historical properties that it would potentially affect.  
**Second:** Scott Winnette  
**Vote:** 5 - 0

5. Request for Demolition Review – 199 Baughman’s Lane, Towns at Belle-Air Farm (Conley Farm)

##### Public Comment

Joan Porter, Board Member of the Frederick Preservation Trust, stated that five districts and 26 individual properties including the Belle Air Conley Farm were considered worthy of historic overlay designation in the City’s Comprehensive Plan. She went on to say that the historic overlay cannot be affected until the properties are designated by the Board of Alderman under the City’s Land Management Code. She stated that more than a year ago the City’s HPC and Planning Department began the process of the designation of the properties within the Comprehensive Plan in light of the Park Hall demolition and this effort included letters to property owners to encourage them initiate designation themselves. She went on to say that additionally City staff and a third party consultant conducted research on each of these properties which was made possible by a grant from the Maryland Historic Trust. She said that these properties and their designations should not languish until the properties are candidates for development and the subject of demolition applications like two of the properties being discussed at this meeting. She said that they encourage the Commission to initiate designation for all of the properties listed on the Comprehensive Plan and they hope in the future designations about a destination can be made without the pressure of demolition looming over the property.

Anthony Mascoto, Chair of the Frederick Preservation Trust, stated that it is in the official capacity that he would like to speak to the Commission on behalf of the majority of their organization and the designation of the Belle Air Conley Farm given its significant contribution to Frederick’s agricultural heritage and identity. He went on to ask the Commission to consider Belle Air Conley Farm as one of the last intact farmsteads in the City limits and it exhibits a remarkable degree of preservation. He said that

the integrity of the complex and the number of buildings on the site is impressive. He stated that they were constructed over a long period beginning in the early nineteenth and extending into the mid twentieth century and the effectively reflect Frederick County agriculture. He went on to say that it is a site that was identified by the City for a historic overlay in the Comprehensive Plan. He said that the staff report focuses on 5 buildings in the complex and it recommends designation of the Mill House presumably without the remainder of the complex because the Goodwin report finds it eligible for the National Register however the staff finds that buildings #2, #3 and #4 do not individually meet the criteria for designation and the FPT respectfully disagrees with the staff's analysis of these 3 buildings based on their reading of Section 42(b)(3) of the Demolition Delay Ordinance when a complex like a farmstead is nominated all the buildings on that site or in that district do not have to individually meet the criteria for significance. He stated that typically farmsteads are not composed of buildings and structures that exist or interact independent of one another rather they include buildings, objects, structures and features including landscape features that exist when considered in the entirety purpose contribute to the identity of that complex. He said that accordingly they urge the HPC to consider the entire Belle Air Conley Farm as a site or complex and conclude its historical identity as a farmstead that is significant and should be preserved as part of Frederick's agricultural heritage. He stated that additional the FPT requests additional information on building #5 which the staff report states is "less than 50 years old and does not qualify for demolition review" however the report does not reference the source for the circa. 1980 date of construction. He said that they note the 1953 Frederick, MD US Geographical Survey Historical Quadra-angle shows an outbuilding in this location so does the Goodwin report suggest there was a different outbuilding and Building #5 replaced it. He went on to say that accordingly the FPT believes that research and re-evaluation should be proceed any recommendation for demolition so these dates can be explained. He stated that a permit to demolish without delay was issued on January 29, 2014 and they request that the permit be resent if it were sent in error.

**Motion:** Scott Winnette moved to initiate designation for Structure 1 which is the Mill House circa. 1800.

**Second:** Rebecca Cybularz

**Vote:** 5 - 0

**Motion:** Scott Winnette moved to not initiate designation for the Mill House Outbuilding (which is Structure 2) circa. 1925 because staff on a site visit determined they feel it does not have enough integrity for designation.

**Second:** Stephen Parnes

**Vote:** 4 – 1, Robert Jones opposed

**Motion:** Scott Winnette moved to initiate designation for Structure 3 which is the Gatehouse circa. 1895.

**Second:** Timothy Wesolek

**Vote:** 4 – 1, Rebecca Cybularz opposed

**Motion:** Scott Winnette moved to initiate designation for Structure 4 which is the Stable/Calf Barn circa. 1890.

**Second:** Rebecca Cybularz

**Vote:** 5 - 0

**Motion:** Scott Winnette moved to ask the staff to review and prepare an application for the next scheduled meeting regarding the rest of the historic elements for this farm and pursuing designation potentially.

**Second:** Stephen Parnes

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**Vote: 5 – 0**

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## VI. Consent Items

There were no consent agenda items.

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## VII. Cases to be Heard

- 6. HPC14-44ZMA                      1705 N. Market Street (Coca-Cola Bottling Plant)**  
 Historic Preservation Overlay Zoning Map Amendment  
*Lisa Mroszczyk Murphy*

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

### Public Comment

Trisha Beisler, of Catoctin Overlook, stated that she wanted to thank staff, the HPC, NAC 7, the Frederick Preservation Trust, the Historical Society of Frederick as well as many other interested and thoughtful citizens for their careful consideration and concern for the future of this property. She went on to say that to her there are two main issues at hand and the first is whether or not maintaining the streetscape and the portions of the main building with the Art Deco details adequately preserves the spirit of this property. She stated that she believes the answer is yes. She said that the land use study they submitted as part of their demolition review request successfully and sensitively keeps the focus on the property's history with Coca-Cola by preserving the sign and the front façade and placing the main entrance to the apartment building in the rear. She added that their proposal would bring this distressed property back to life not with just a subtle nod but with a warm embrace of its long past glory days. She said that the Coca-Cola sign and the original front façade would always be front and center with no room for confusion to how it all began in fact they believe that the value of this property largely resides in its connection to Coca-Cola and the good feelings the Coke engenders. She stated that the streetscape and the front portion of the main building embody this value the warehouse or the rear portion of the main building have no correlation to the Coke relationship or even interesting architectural detailing. She went on to say that in her opinion they do not need to be maintained however she understands that others may disagree with her and believe that neither the main building nor the warehouse should be altered in any way. She stated that determining what buildings adequately represent a community's history or style of architecture is an extremely subjective business and her team and she firmly believe that while the property is special and important it is not actually historic in any way. She said that architect Doran S. Platt is not considered to be a master and it is a stretch to say that the plant was built during the very late Art Deco period which is usually framed by the two World Wars and while the bottling operation here in Frederick is interesting it simply does not make a significant contribution to the broad patterns of history. She went on to say that you will hear from others that disagree with them as well as some that do but she asked the Commission to consider the buildings' future while also assessing its past. She added that they can all agree that Coca-Cola will never again set up shop at 1705 N. Market Street and it will surely never again be a bottling plant and no offers for a museum have been forthcoming. She said that she believed their plan to preserve the streetscape while putting quality housing in the back would appropriately, respectfully and successfully repurpose this property. She also asked the Commission to consider that placing a historic overlay on the entire property even the portions with no value would be inappropriate and unnecessary since they would simply be unable to move forward and forced to walk from their contract. She stated that the second main issue for consideration would be how they best protect the property from complete demolition if a historic overlay is not granted. She asked how they should be held accountable to her publically stated intentions while also not being unfairly burdened by a historic overlay

so far outside of the historic district and on a new addition. She stated that to that end she has offered a façade easement and also a partial overlay on just the streetscape and she was told that the City of Frederick has never done this. She added that she would be happy to be the first. She said that she was told that the required deadlines would preclude these options from being pursued even if they were possible. She also asked the Commission to note that she would be more than willing to agree to a time extension for these options to be explored. She said that in addition she requested a workshop with the HPC and was turned down due to the time constraints. She stated that she is more interested in learning about the property's potential as opposed to being informed of the limitations of the process and therefore consequently the property. She said that she is open to and would appreciate any creative and innovative suggestions that hold her accountable to her intentions to be a good steward of the Coke property without the hardship of a full overlay.

Andrew DiPasquale, working with Catoctin Overlook, stated that his primary goal is to restore the appropriate context of the discussion since there is no formal demolition plan in place and they were more or less required to by staff to submit this application very prematurely in the process prior to securing any entitlements for redevelopment or repurposing and without any immediate plan for any sort of demolition. He went on to say that there are no plans for demolition unless and until significant entitlements can be accomplished in cooperation with planning staff and as a legislative matter because the proposed development and repurposing would require a floating zone in and of itself. He said that he wanted to urge the Commission to seriously consider that they have two birds in one hand in the form of the property owner and the applicant each of whom are wed to the meaning preservation of this primary structure and its façade. He added that each have evidence their unwavering intent to preserve the façade and they have done so on the record multiple times after the building has sat idle since its original marketing in 2008. He went on to say that he has been before the Planning Commission and the Mayor and Board of Aldermen and they tried very patiently and unsuccessfully to promote the repurposing and future use of the property. He said that if this is truly about preserving contributing aspects of the building the problem is solved. He stated that the most practical approach at this point would be to cooperatively support Coca-Cola and Catoctin Overlook in its pursuit of a façade easement and the respectful redevelopment and repurposing of the building noting his sincere belief that a failure of this Commission to support that effort will result in contrary happenings to what it is the Commission is desiring to protect. He went on to say that the building will again sit idle and fall into disrepair and he does not see a host of people lining up with an interest in repurposing this building like the applicant that they have in hand. He added that they firmly believe the criteria for designation are not present and are not satisfied specific to the ordinance Section 423(c) explicitly provides that in making its recommendation this Commission shall use only the criteria established in Section 423(b) of the ordinance. He said that as to criteria b(1) speaks to events and cultural groups that have made a significant contribution to the broad patterns of history and there have been no significant events and Coca-Cola is not a cultural group and the building may be meaningful but its integrity is going to be respected. He said that as far as criteria b(4) the language speaks to specific architectural details including those that are prominent within the City it doesn't say including, without limitation and his read of that is that it would specific details that comport with historic core of the City and architectural details that you see throughout the historic areas of the City He stated that in the historic inventory that was prepared by Ms. Reed it specifically states that the property is potentially significant but it doesn't say that it is significant.

Anthony Moscato, with the Frederick Preservation Trust, stated that they agree with the staff report and encourage the HPC to find the Coca-Cola Bottling Plant in its entirety eligible for a historic overlay designation given its cultural and historical significance in the City of Frederick. He went on to say that it is one of sites identified by the City for a historic overlay in the Comprehensive Plan regardless of its location on the outer edges of the City's historic district boundary. He said that e-mail exchanges between Peter Kurtze of the Maryland Historical Trust and Barbara Wyatt of the National Register of Historic Places staff show that they agree that the site is eligible for the National Register. He added that this site

is extremely unique as an intact industrial complex including a bottling plant, garage and warehouse that reflect the site's local industrial and distribution plants that have contributed to the American identity of a national brand. He said that the site should not be considered only partially eligible for designation and additionally the property includes a number of character defining features that contribute to its Art Deco style and reflect its industrial use as a complex. He stated that any adaptive use or project concerning the entire site should be considered of these features and usage. He said that all the local communities have recognized the significance of local bottling and distribution plants have on the identity of an iconic drink by placing the Coca-Cola Bottling Works in Winchester and Charlottesville, VA on the National Register of Historic Places and there are many similar features between those sites and the one in Frederick including but not necessarily limited to the architect that has been attributed with originally designing those sites, the Art Deco style of the bottling plants and the time period of use of the entire complex as a local employer.

Gil House, member of the Frederick Preservation Trust, stated that he had a real problem with the demolition delay ordinance because the building was put on a list back in 2010 along with a bunch of other properties but nothing has been done since 2010. He went on to say that they have about 3 or 4 years of inaction by the City to do anything where at any time during that time period they would have been able to do an overlay on the property. He said that there wouldn't necessarily have to be a demolition to put a historic overlay on the property. He went on to say that while they are talking about overlays since there are three other properties in the area of the Coke plant that have been identified in the Comprehensive Plan. He stated that as he went through this he came across the term structure and the Maryland Historic Trust and the National Park Service Guidelines has a completely different definition of the term structure than the Commission. He went on to say that a structure according to them is gone from the Coke plant it was the bottles and people occupy buildings so to them structures are bottles, bridges, smoke stacks and things like that. He stated that 66B calls a whole amount of things structures and that is probably where the Commission got that from but they just updated 66B in 2012 and they didn't bother to take care of that problem. He said that one of things that he also found and looked about was that the Maryland Historical Trust considers an easement one of the most effective legal tools available for historic preservation and he believes the buyer has proposed doing an easement. He went on to say that he thinks that would be a good solution for both parties.

**Motion:** Scott Winnette moved to recommend to the Planning Commission and the Mayor and Board of Aldermen the rezoning of 1705 N. Market Street, the former Coca-Cola Bottling Plant, in order to apply the historic preservation overlay zoning.

**Second:** Robert Jones

**Vote:** 4 – 1, Timothy Wesolek opposed

The meeting was adjourned at approximately 7:30 PM.

Respectfully Submitted,

Shannon Pyles,  
Administrative Assistant