HISTORIC PRESERVATION COMMISSION HEARING MINUTES AUGUST 13, 2015

Commissioners

Scott Winnette, Chairman
Stephen Parnes, Vice Chairman (not present)
Dan Lawton
Michael Simons (not present)
Rebecca Cybularz
Carrie Albee
Chase Tydings, Alternate

Aldermanic Representative

Donna Kuzemchak

Staff

Lisa Mroszczyk Murphy, Historic Preservation Planner Christina Martinkosky, Historic Preservation Planner Scott Waxter, Assistant City Attorney Matt Davis, Manager of Comprehensive Planning (not present) Shannon Pyles, HPC Administrative Assistant

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.

I. 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."

II. Announcements

Mr. Winnette announced that the Election of Officers would be held at the next scheduled meeting.

III. Approval of Minutes

1. July 23, 2015 Hearing/Workshop Minutes

Motion: Scott Winnette moved to approve the July 23, 2015 hearing and workshop minutes

as written.

Second: Rebecca Cybularz

Vote: 5 - 0

IV. HPC Business

2. Administrative Approval Report

3. Code Enforcement Report

4. Vote on Revisions to the Rules of Procedures and Regulations of the HPC

V. Continuances

5. HPC15-434 231 S. Market Street Niels & Jennifer Clegg

The applicant request a continuance to the August 27, 2015 hearing

Lisa Mroszczyk Murphy

Motion: Scott Winnette moved to continue this application to the August 27, 2015 hearing.

Second: Chase Tydings

Vote: 5 - 0

VI. Cases to be Heard

6. HPC14-1031 107 E. 5th Street Habitat for Humanity of Fred. County MD Demolish principal structure Ron Cramer, agent

Christina Martinkosky

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

Public Comment

Michael Reede stated that he came to Frederick a year ago with the idea of visiting his daughter for two weeks and then drifting on in a sense since he had retired from years of public service and teaching at the University level in the territory of Guam. He said some health issues came up and he was diagnosed with Alzheimer's Parkinson's disorder and gave a terminal life span so that is what he was living with for several months. He went on to say that the doctor told him that the way you keep the symptoms of this disease at bay is to go swimming and bicycling. He said that he rides his bike through town about 4 hours a day. He stated that in Guam he was in the public service and has a Master's degree in urban and regional planning and worked in different planning positions as well as administrative positions and finally wound up in some political appointed positions some of which that required him as the budget director and director of administration to review all federal money coming into Guam some of which were Historic Preservation grants so he knows a little bit about the grant process. He said that he is becoming a part of this community in a number of different ways and he is starting a non-profit

corporation called "Blue Water Emporium" and it is an organization of creative people to work with and he has been trying to put together a team connected to this log cabin that would be able to work in the public interest and respect the historic integrity of the location. He stated that he thinks the building and foundation that stands there now should be torn down and he would hope the Commission would vote in favor of the demolition.

Mike Herring, neighbor to 107 E. 5th Street, stated that he lives next to a tinder box, zoo, and dump. He said that he is scared that the building is going to fall down or catch fire. He added that it is home to many animals and many of them go through his yard and trash and the back yard of the property has become a dumping ground.

Anthony Owens stated that he is affiliated with the people of Frederick and he has several hundred customers in the historic district including many on 5th Street. He said that he does not have a fancy architectural or engineering degree but he has 40 years of hands on experience and to him it is not an issue of whether the property should come down because it has to come down. He stated that if you look at the structural components they are completely collapsing and the foundation is sinking and roof is ready to give out in two particular corners at any given moment. He said that the question is what can be salvaged. He went on to say that with his romantic and historical attachment to Frederick and somebody who cared to go in there and find majestic beams from many years ago and aged in a way that you could never reproduce. He said that you could find configurations of stone and wood and how they are brought together to be stronger than what we know do with steel and concrete. He went on to say that it is time to clean up the final blight structure on 5th Street.

Cathy Bowden stated that she would like to thank Habitat for offering the property back to the City and she thought that the City should take them up on that offer for several reasons. She said that there is an archeological value to properties such as this one which may be blighted and may be falling down by themselves whether or not you vote for demolition. She went on to say that if you Google extant log cabins in Maryland and you will get two hits for Frederick County and one of these hits is not on an extant slave cabin at all. She stated that the Catoctin Furnace has several slave cabins and they are made of stone which aren't the type of structure on 5th Street which is a log house and its merits have been treated in the various reports. She said that what they have here is a structure that is no longer architecturally valuable because you don't think it can be salvaged however the ground itself could offer up information. She stated that if you would look at the 2010 report of the Washington Post on the other slave cabins in Frederick County which were excavated at Monocacy Battlefield. She said that they felt sure that there 6 cabins based on their professional determinations since they were able to recover from the site from merely stone foundations and the excavations done around them a treasure trove of artifacts including buttons, pieces of ceramics, wood, and pieces of metal. She added that they could determine the level of prosperity of the slaves on that site however those cabins also were not was not an urban slave cabin. She said that it is her recommendation to have archeological studies done prior to the demolition.

Steven Myer stated that he has a great appreciation for the amount of work it takes to maintain these properties. He said that through his communications with the historic preservation staff he has tried to keep in mind that they are a team that wants to preserve the historic significance of this great City and build for its future. He added that like any relationship this requires balance and understanding from both parties and with the notion of team they must remind themselves that there are two factors always in play, the economic importance of growth and preserving the historic integrity of what makes this City great. He stated that one cannot succeed without the other and if they expect property values to rise and patrons to frequent the many shops and restaurants they must make the tough decisions like the one they are faced with now and similarly on the other side if they focus purely on theses economic factors Frederick will lose its charm and its attractive qualities to many buyers. He said that with that being said the cabin at 107 E. 5th Street though historic is now more of a hindrance to the team than a partner. He added that Habitat

for Humanity is a wonderful organization that helps the lives of a million of people and has so graciously taken on this project but they are now being held back. He said that when they bring family to town they are in awe of how beautiful this city is but when they walk by that cabin they worry for their safety. He went on to say that it has become what is known in the courts as an attractive nuisance which states that the land owner may be held liable for injuries to children trespassing on the land that are unable to appreciate the risk that is posed by an object or condition of the property. He said that for an organization like Habitat for Humanity to be held liable financially for an accident because we won't let them build a structure will only hurt other families from obtaining a home. He stated that as a homeowner on E. 5th Street he wants the team to work together to make these tough decisions and that is why he and his wife support the demolition of 107 E. 5th Street.

Dan Stauffer, resident at 47 E. 5th Street, stated that he wanted to echo staff when they stated that it does not add value and is beyond repair and collapse is imminent. He said that to him what is most important is the actual foundation quality and construction of the building. He added that he is a historian so he understands the concerns and issues of historical integrity that the Commission is faced with and at one time he was a land surveyor and he worked in building construction so he also understands the cost and energy that is involved in refurbishing these buildings and projects. He added that he would ask the Commission to move swiftly because he walks by the house every day to see if there has been any progress made on the building so he hopes that a resolution can be made quickly. He said that he would like the Commission to honor the integrity of the hard working homeowners who actively keep up their residences and contribute to the overall quality of the neighborhood.

Nancy Geesey, Vice President of the Monocacy Archeological Society, stated that as archeologists they are concerned about what they don't know about this property versus the condition of they see and know. She said that there would have been outbuildings that owners would keep animals or maybe they were craftsmen that had a way of making a living other than farming a city lot. She added that she knew many of them are talking about the seriousness of the condition of the building at the present time and they could be given an option to demolish the building quickly while preserving the archeology until it can be studied in depth before the heavy equipment is brought in to build the new house. She stated that she would strongly recommend that they take the extra six months to study the archeology if they decide to approve the demolition.

Gil House stated that he was one of the few people that was at the 2008 hearing and at the time the applicant had a problem with the deed research and it ran back to about 1827 so he decided to start from the beginning and he found that everything is dead between 1792 and 1828. He said that the original property was deeded from Daniel Dulaney to George Dertzbaugh and he obtained the property in May of 1764 with a requirement that the new owners had to build a structure within three years so he is pretty certain he has found where this structure came from. He added that in 1825 there were 216 brick structures, 122 log cabins, 67 frame structures, and 23 stone structures in the City of Frederick and he fully supported the archeological review of the site and he supported the demolition.

Kelly Breliner stated that demolishing a historic structure due to neglect sets a dangerous precedent but this building has reached a point where it is dangerous and contributing to Frederick's blight problem but given that it does still have the archeological significance. She said that it could be eligible for the National Register under criteria D but at this point they simply don't know and demolishing that property and allowing a new house to be built on it without any further investigation may be a huge loss since typically there are not properties like this in a downtown that is known for its historic district and bring a lot of money in based on that historic district. She added that she would encourage the Commission to consider the demolition certainly given that it is now a danger but also realize that this property does not necessarily have to become a house.

Kevin Sellner, resident at 107 E. 5th Street, stated that there are lots of people in the community who are willing to step up and try to help with the archeology or finding appropriate timbers that could be used in some manner. He said that if it is allowed to be demolished it would be a tremendous relief for the community and he worries that the neighboring properties could catch on fire.

Howard Cox, resident of Maxwell Square, stated that he and his wife moved specifically to the historic district because of the great work the staff and Commission does in maintaining the character but having said that there is a time where that character may be detracted by the continuation of a property such as this. He added that we should honor this property by allowing it to reach its conclusion of its useful life so it can be used appropriately in some other way that is consistent with the historic purpose of the neighborhood.

John Hunt stated that he agreed with the condition of this property and that it must be demolished. He said that he had a cabin about the same size on a piece of property he inherited which was not demolished but it fell in and almost hurt two homeless people that were sleeping in it. He added that it might be worth looking into having an archeological investigation done because he dug around the foundation of that cabin which was not quite as old as the property on 5th Street and he found pottery pieces, belt buckles, and one hammer off of an old flint lock pistol.

Judy Canterman stated that she has been on that street all her life and she does not allow her kids or grandkids over on that side of the street because of the animals running in and out of it. She added that there are street people that go in and live in the house that could start a fire so she supported the demolition of the house.

Motion: Carrie Albee moved to find that the property contributes to the Frederick historic

district.

Second: Dan Lawton

Vote: 3 – 2, Rebecca Cybularz & Chase Tydings opposed

7. HPC15-495

200 W. All Saints Street

Asbury United Methodist Church

Alterations to rear door & porch, installation of walkway Nick Brown, agent

Lisa Mroszczyk Murphy

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

Motion: Rebecca Cybularz moved to approve the application including drawings A-1.0 and

A-1.1 dated 6/16/2015; A-1.1, A-2.1, A-3.0 dated 7/8/2015; and A-2.2 dated 7/21/2015

with the following conditions:

• The lintel is retained and preserved in place;

- The new door shall match the style of the existing historic door; and
- A cut sheet for the door shall be submitted for staff approval prior to applying for a permit.

Second: Carrie Albee

Vote: 5 - 0

8. HPC15-503 202 E. 5th Street Isaac Smith

Install board-on-board fence *Lisa Mroszczyk Murphy*

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

Motion: Scott Winnette moved to continue HPC15-503 located at 202 E. 5th Street to the

August 27, 2015 hearing.

Second: Rebecca Cybularz

Vote: 5 - 0

9. HPC15-525

145 W. South Street

William T. Clipper

Rehabilitation of shed Lisa Mroszczyk Murphy

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

Motion: Carrie Albee moved to approve the application with the following conditions:

- The final door and window selection shall be submitted for staff approval prior to applying for a permit.
- The roof shall be a traditional hand crimped standing seam metal roof unless an alternative material is submitted for staff approval.

Second: Rebecca Cybularz

Vote: 5 - 0

10. HPC15-531 49 S. Market Street Sherif Salem

Modifications to storefront, awning, windows, light fixtures *Lisa Mroszczyk Murphy*

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

Motion: Dan Lawton moved to approve the application as submitted and the installation of light fixtures as approved by staff with the following conditions:

- The awning framing shall be installed into the mortar joints or wood storefront components only.
- As stipulated in the details of the staff report the fabric shall be slightly loose on the frame and valances will hang freely.
- The awnings must correspond with existing openings.
- The valance or skirt shall be straight or scalloped but not taut as detailed on the drawing stamped "July 29, 2015" and there be eight feet of sidewalk clearance.
- The new openings on the north elevation shall correspond with the former openings as evidenced by the existing brick infill and the existing brick lintels be retained.
- The following items shall be submitted for final staff approval prior to applying for a permit:
 - The dimensions of any signage on the awning or storefront.
 - o Product information or catalog cut sheets for door hardware.
- A ¾" black and white stone tile be used in the vestibule and it is installed to look as close as possible to the existing and the tile selection shall be submitted for staff approval.

Second: Rebecca Cybularz

Vote: 5 - 0

11. HPC15-532 419 W. South Street Frederick Union Rescue Mission Demolish kitchen addition Michael Proffitt, agent

Demolish kitchen addition *Christina Martinkosky*

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

Motion: Dan Lawton moved to find the ca. 1925 kitchen block to be a non-contributing

resource to this site for the reasons that there is some question about whether it complies with the period of significance but primarily because it does not meet the majority of the seven aspects of integrity and will not harm the historic district by

its removal.

Second: Chase Tydings

Vote: 3 – 2, Rebecca Cybularz and Carrie Albee opposed

Motion: Chase Tydings moved to approve the demolition of the kitchen addition subject to

an approved replacement plan.

Second: Dan Lawton

Vote: 5 - 0

12. HPC15-540 134 W. 5th Street Diane Silas

Replace stoop and install railing

Harry Rosenstock, agent

Lisa Mroszczyk Murphy

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

Motion: Rebecca Cybularz moved to approve the application as submitted.

Second: Chase Tydings

Vote: 5 - 0

The meeting was adjourned at approximately 8:45 PM.

Respectfully Submitted,

Shannon Pyles

Administrative Assistant