

**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.

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 Catocin 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.

Second: Rebecca Cybularz
Vote: 5 - 0

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