

**HISTORIC PRESERVATION COMMISSION
HEARING MINUTES
July 13, 2017**

Commissioners

Dan Lawton, Chairman
Carrie Albee, Vice Chairman
Alan Miner
Stephen Parnes
Peter Regan (not present)
Matthew Bonin
Jessica Underwood
Stacey Streett, Alternate

Aldermanic Representative

Donna Kuzemchak

Staff

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

Call to Order:

Mr. Lawton 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:

There were no announcements from staff or the Commission.

III. Approval of Minutes:

1. June 29, 2017 Hearing/Workshop Minutes

Motion: Dan Lawton moved to approve the June 29, 2017 hearing and workshop minutes as written.
Second: Carrie Albee
Vote: 7 - 0

IV. HPC Business:

2. Administrative Approval Report
3. Code Enforcement Report
4. Request for Demolition Review – 210 Magnolia Avenue

Public Comment

Trish Cunningham, resident at 318 Biggs Avenue, stated that she does not want anymore “McMansions” built in this neighborhood.

Kate Kuranda, resident at 107 E. 3rd Street, stated that she was concerned that insufficient analysis has been undertaken to assess the buildings potential to embody the distinctive characteristics of residential development in post war Frederick. She added that the Magnolia Avenue neighborhood is a recognizable entity that comprises a unified group of single family houses associated with post war housing patterns. She said that moving towards tear downs particularly in mid-century and unrecognized neighborhoods is a national issue of preservation interest and one that the Commission is likely to review on a more regular basis and she strongly supported the Commission and the development of proactive approaches to addressing this to the maximum degree possible.

Susie Chaitovitz, resident at 208 Magnolia Avenue, stated that she thought it was essential to consider the effects of the neighborhood at large when deciding on if they are going to allow a tear down of a 70 year old house. She added that the Baker Park neighborhood is part of what gives Frederick its unique character and makes it a city where they all want to live.

Rachel Toft, resident at 207 Magnolia Avenue, stated that her and her husband spent years renovating their home and chose to live in this neighborhood because of what it represented. She said that they have a beautiful home that they did not tear down to start over. She added that this community is about adored older homes and not about someone coming in and tearing at the thread of the community.

Steve Kallmyer, resident at 304 Magnolia Avenue, stated that he is opposed to this project because it is grossly out of scale and out of character for this neighborhood. He added that had that house been built in this neighborhood he would not have purchased the house that he did. He said that what troubles him the most is that there seems to be very little protections in this city for neighbors that would prevent someone from doing what is being proposed.

Leslie Powell, representing the owners at 208 Magnolia Avenue, stated that in this case insufficient notice was provided to her clients who live right next door to this property. She added that these houses are of a type which is post World War II Colonial construction but under these circumstances and because this is of a type that is historic in nature she urged the Commission to approve filing an application for designation.

Hallie Burrier, resident at 300 Magnolia Avenue, stated that she thought she was going to be in a protected district where there would not be a lot of noise and she thought the street would stay as beautiful as it already is if not get better. She added that with the Zimmerman properties the city has let the snake in the door and this builder now has model homes that he can show people in the community and they can find lots cheaply in Baker Park and street like Magnolia to do tear downs on those homes.

Mark Burrier, resident at 300 Magnolia Avenue, stated that he questioned the grey area of the criteria of whether this is a valuable piece of property or not. He added that the Commission's responsibility is seeing what is reasonable within the confines of the books but he also wanted them to look ahead to the future and see what decisions can be made that impact this larger scale area.

John Grgurich, resident at 301 Magnolia Avenue, stated that 210 Magnolia Avenue is a nice house and fits within the neighborhood. He added that the mindset of Magnolia Avenue is to keep what you have and work with the old stuff to bring it back around.

Mike Spurrier, resident at 208 Magnolia Avenue, gave further history on past owners of 210 Magnolia Avenue. He added that he urged the Commission to make an application to designate this property into the historic district.

Bob Lewis, resident at 301 College Place, stated that this neighborhood was involved in trying to get a historic district overlay on their community because they feared tear downs. He went on to read an excerpt from a Montgomery County Department of Planning Bulletin published in 2006 that describes what happens when tears down begin to happen in communities.

Mark Holofcener, resident at 206 Magnolia Avenue, stated that he loves Frederick and he loves living in their neighborhood and on their street because it is the nicest group of neighbors that they have ever had and that is something that is extremely important to him. He added that having a house like this in their neighborhood will change the friendliness of the neighbors.

Kelly Russell, resident at 301 College Avenue, stated that the Historic Preservation Overlay must only be applied when supported by facts that demonstrate the criteria have been met and can be supported by defensible, articulable findings. She added that to apply an HPO without such findings would compromise the integrity of the preservation process. She said that with that being said this is an opportunity to reignite past conversations about neighborhood preservation that have fallen dormant since the application to designate the College Park neighborhood as historic with an HPO in 2009. She went on to say that she would urge the Planning staff, the Historic Preservation Commission and most importantly the concerned residents to restart conversations about what available techniques may be available to the City to protect our amazing and unique neighborhoods from the tear down phenomenon that have plagued towns like Chevy Chase and others.

Cindy Green, resident of 307 Magnolia Avenue, stated that this is an old neighborhood and they know all of their neighbors. She added that they have added onto their house three times and each time they went to their neighbors to talk to them and explain to them what was going on. She said that people move here because they fall in love with the people, neighborhood and history of this beautiful part of Frederick.

Joan Jenkins, resident at 124 S. Carroll Street, stated that she has not heard one reason why the house is not suitable or that they are not happy with it. She added that she understood why they want to keep this historic area the same.

Dale Dowling, resident at 121 W. 2nd Street, stated that this is not just one little Colonial Revival house in one little Colonial Revival neighborhood. She added that this is indicative of a phenomenon that spread across the United States and that meant something to hundreds of thousands people.

Beth Pulsifer-Anderson, resident at 1211 Staley Avenue, stated that when she lived in DC there was a family that got cute with the building codes and was very aware of the feud that was going on between neighbors since the house did not fit into the neighborhood.

John O'Connor, resident at 308 North College Parkway, stated that looking into the future he would like to be able to say that house right there caused this community to get together to put in a Historic Overlay which would stop these tear downs.

Fred Michel, resident at 202 College Avenue #3, stated that the concept of greenscape comes to his mind in regards to this property and he thought the idea of an overlay would be more difficult to do and that the residents on Magnolia should focus on the effect to the greenscape this would have.

Motion: Carrie Albee moved to make an application for designation of the dwelling and associated resources on the property at 210 Magnolia Avenue.
Second: Matthew Bonin
Vote: 5 – 2, Stephen Parnes & Alan Miner opposed

V. Consent Items:

There were no consent items.

VI. Continuances

There were no continuances.

VII. Cases to be Heard

5. HPC16-814 **124 S. Carroll Street** **Joan M. Jenkins**
Repair/replace windows
Lisa Mroszczyk Murphy

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

Motion: Carrie Albee moved to approve all sashes that have already been repaired and that the remaining sashes are inspected by staff upon removal to determine the best way forward for those remaining sashes.
Second: Stacey Streett
Vote: 7 - 0

6. HPC17-395 **4 & 6 W. 7th Street** **HACF**
Amend Level 2 approval for new duplex
Lisa Mroszczyk Murphy **Joe Hines, agent**

10. HPC17-490

Demolition

*Lisa Mroszczyk Murphy***212 E. Patrick Street**

200 East Patrick Street LLC

Jim Mills, agent

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

Public Comment

Anthony Moscato, Chair of the Frederick Preservation Trust, stated that they have and continue to support a downtown hotel when it is done right and accordingly they do not support the current downtown hotel at the former Frederick News Post site due to the site's and the Birely Tannery's archeological significance and eligibility to be listed on the National Register of Historic Places. He added that when they heard about this administration putting together a downtown hotel advisory team and saw that only economic and business interests were represented on the hotel advisory team they requested during a meeting with the Mayor and Director of Economic Development that a voice for historic preservation should be included and the response relayed to them was now is not the time. He went on to tell the Commission about the different organizations that placed the Birely Tannery on their endangered historic sites list.

Mary Mannix, resident of Rockville, MD, stated that she is very much in support of the concept of a hotel and conference center in downtown Frederick however she is very concerned about the potential demolition of the Birely Tannery. She added that the Birely Tannery tells a story and also has informational value outside of the historic district. She asked that the Commission keep in the forefront of their minds the findings of the Trust and that they recognize that the site warrants careful consideration and treatment in planning for this potential project.

Clyde Hicks, business owner at 17 S. Market Street, stated that he and his wife opened their business in anticipation of the improvements plan for Carroll Creek Park and the benefits that their business would receive from the public investment to the new downtown attraction. He added that the creek is missing an anchor and this hotel and conference center could be that anchor to drive foot traffic from East Street to Market Street. He said that he strongly supports all four applications before the HPC and he did not think the retention of either building is in the best interest of the residents of the City of Frederick.

Beth Pulsifer-Anderson, resident at 1211 Staley Avenue, stated that there are other sites that would meet the criteria for a hotel and conference center that do not have buildings that need to be destroyed on them so it could be the hotel and the tannery if another site is chosen.

Peter Samuel, resident at 102 W. 3rd Street, stated that this site is obviously a contributing resource and it is a landmark building of great importance. He added that is renovated it could be a very interesting feature and part of the Carroll Creek Promenade.

Rebecca Trussell, resident at 362 Petersville Road, stated that we cannot destroy history before it has been fully evaluated and celebrated.

Fred Michel, resident at 202 College Avenue #3, stated that we do have documentation on this tannery so it is worth fighting for and he could not help but think that some accommodation can't be made with the tannery.

Jane Weir, resident at 27 E. Main Street, Middletown, MD, stated that it seemed to her that it is fairly obvious that the structure of the Birely Tannery is contributing but it is the archeology on the site that is the most important in her opinion. She added that this is the last remaining tannery site without improvement in the entire state of Maryland.

Kelly Berliner, resident at 105 Mount Olivet Boulevard, stated that it seems to be the case that Frederick advertises its history when it is convenient and profitable and not so much when the structures get in the way. She added that she is concerned that we are setting a dangerous precedent that lack of Code Enforcement permits these owners to let these historic structures fall into such disrepair that it just seems easiest to just knock them down.

Linda Morgan, resident at 212 Braeburn Drive, Walkersville, MD, stated that she was here in favor of approving the four applications before the Commission and she felt strongly that the plan presented will respect and honor that history of downtown Frederick. She added that the Birely Tannery in its current state and location relevant to existing improvements to the Carroll Creek Linear Park no longer holds the significance it may have at one time.

Elizabeth Cromwell, President and CEO of the Frederick County Chamber of Commerce located at 118 N. Market Street, stated that she and the Chamber's business leaders believe the downtown hotel at Carroll Creek will enhance the historic district in a variety of ways. She added that she would like to see the Commission approve the four applications before them.

Kara Norman, Executive Director of Downtown Frederick Partnership located at 19 E. Church Street, stated that she wanted to express the partnerships strong support of all four applications that are pending before the Historic Preservation Commission related to the downtown hotel and conference center.

Jonathan Warner, President of Warner Commercial located at 102 W. Church Street, stated that he wanted to talk about the unique nature of this site because there is no other site that combines the main pedestrian thoroughfare of East Patrick Street to Carroll Street as well as access to Carroll Creek.

Matt Edens, resident at 107 W. 5th Street, stated that he does not take the demolition of the Birely Tannery lightly however he is also excited about the downtown hotel and conference center project. He added that the hotel and conference center will be a substantial benefit to the city and the historic district and is in the best interest of the community. He said that he would urge the Commission to move forward by approving all the applications before them concerning this vital project.

Julia Ferguson, resident at 20 E. 2nd Street, stated that she is convinced from her own readings and from others testimony that changes have already happened to this area and the degradation of the building have made it difficult to continue to see that as a historic site that they can do much with. She added that she supports the downtown hotel and the applications as they stand before them.

Motion: Carrie Albee moved to find the property in its entirety including both above and below ground elements to be contributing resources within the Frederick historic district and of unusual importance because of their rarity and their association with the tanning industry not only in Frederick but statewide and the property individually meets the criteria A) the site and/or structure is associated with events that have made a significant contribution to the broad patterns of history including those that exemplify the heritage of the city and criteria C) the site, structure or in this case property may be likely to yield information important to history and that it meets the definition of unusual importance which is clarified in the City Land Management Code as a contributing site or structure that individually meets one or more of the criteria for designation.

Second: Stephen Parnes

Vote: 7 - 0

11. HPC17-489 Partial demolition <i>Lisa Mroszcyk Murphy</i>	200 E. Patrick Street	200 East Patrick Street LLC Jim Mills, agent
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Ms. Murphy entered the entire case into the record.

Motion: Dan Lawton moved to find the relatively modern addition to the back of this structure and that portion only to be non-contributing as it does not help to define the historic district or add historical or architectural value to the historic district.

Second: Jessica Underwood

Vote: 6 – 1, Carrie Albee opposed

Motion: Alan Miner moved to approve the demolition of the 1967 addition as it was just found to be non-contributing and subject to an approved replacement plan and a permit application.

Second: Stephen Parnes

Vote: 7 - 0

VIII. Citizen Comment

Dale Dowling, resident at 121 W. 2nd Street, stated that she found the proceedings very confusing and when they are going to designate a property as contributing the agenda should show that that is the process and the applicant should not be someone that is bringing the project forward.

An unidentified woman stated that she drove by the Zion Church cemetery on Urbana Church Road in Urbana, MD and saw bulldozers creating a road and she saw men digging up graves. She stated that she wanted the Commission's expertise and help in the matter.

Barbara Wyatt stated that she is in favor of the downtown hotel although she does not necessarily want it in that place or to that scale but that building is a legitimate historic building.

The meeting was adjourned at approximately 10:05 PM.

Respectfully Submitted,

Shannon Pyles
Administrative Assistant