

**HISTORIC PRESERVATION COMMISSION  
HEARING MINUTES  
SEPTEMBER 14, 2017**

**Commissioners**

Dan Lawton, Chairman  
Carrie Albee, Vice Chairman  
Alan Miner  
Stephen Parnes  
Peter Regan  
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 (not present)

**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.

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**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.”*

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**II. Announcements:**

There were no announcements.

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**III. Approval of Minutes:**

- 1. August 10, 2017 Hearing Minutes
- 2. August 24, 2017 Hearing/Workshop Minutes
- 3. August 31, Special Workshop Minutes

**Motion:** Dan Lawton moved to approve the August 10, 2017 hearing minutes, August 24, 2017 hearing and workshop minutes and the August 31, 2017 special workshop minutes as written.

**Second:** Stephen Parnes

**Vote:** 7 - 0

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**IV. HPC Business:**

- 4. Administrative Approval Report
- 5. Code Enforcement Report
- 6. Request for Demolition Review – Shed at 325 E. Patrick Street

**Motion:** Alan Miner moved to not pursue designation as the garage would not individually meet the criteria for designation.

**Second:** Stephen Parnes

**Vote:** 7 - 0

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**V. Consent Items:**

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| 7. HPC17-681<br>Replace door<br><i>Lisa Mroszczyk Murphy</i> | 229 W. South Street | Dan Kennedy |
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**Motion:** Stephen Parnes moved to approve the consent agenda which includes HPC17-681 located at 229 W. South Street.

**Second:** Peter Regan

**Vote:** 7 - 0

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**VI. Continuances**

There were no continuances.

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**VII. Cases to be Heard**

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|---|----------------------|---------------------------------|
| 8. HPC17-643<br>Install louver system on existing pergola<br><i>Lisa Mroszczyk Murphy</i> | 124 N. Market Street | Phil Bowers<br>Jim Mills, agent |
|---|----------------------|---------------------------------|

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

**Motion:** Alan Miner moved to continue this case to the October 12, 2017 hearing.



Steve Chafitz, resident at 12337 Legore Road, Keymar, MD, gave the history of the Birely tannery building and site. He added that the hotel would bring far more people to Frederick and would be an economic engine for greater than whatever the tannery could provide.

Scott Grove, resident at 16 E. South Street, stated that he believed the construction of the new hotel will prompt a reduction in crime and further stabilization of the neighborhood and would also lead to greater preservation of south end properties.

Jeanne Rhodes, resident at 2400 Hunters Chase Court, Frederick, MD, stated that she believes the retention of the tannery would be a major deterrent for the downtown hotel project along Carroll Creek, which would undoubtedly provide significant benefit to the local jurisdiction.

Brayden Bumpers, owner of McClintock Distilling located 35 S. Carroll Street, stated that he believed the retention of the tannery building would be a deterrent to a major improvement project that would be a huge benefit to the small businesses on Carroll Street and the Carroll Creek development.

John Hogan, resident at 1247 Emmaus Road, Woodbine, MD, stated that he has gone through with the Plamondon Group numerous iterations in design to maintain every bit of historical significance possible in this building.

Carly Ogden, resident at 36 S. Bentz Street, stated that she and her husband are in support of the downtown hotel and conference center.

Amanda Johnston, resident at 6620 Grandville Court, Frederick, MD, stated that she is strongly in support of the approval of the demolition of the Birely tannery building.

Jeannette Bartelt, resident at 530 Ellrose Court, Frederick, MD, stated that she believed the tannery building, if restored properly, could generate more tourism than a hotel and conference center.

Don Burgess, resident at 118 N. Court Street, stated that he is in support of the demolition of the tannery building and has been following the downtown hotel project for a number of years.

Joanna Button, owner of JoJo's Restaurant located at 16 E. Patrick Street, stated that she is in favor of the approval of the application for the demolition of the Birely building.

Monica Pearce, resident at 134 E. 5<sup>th</sup> Street, stated that she is fully in support of the construction of the hotel and conference center.

Josh Russin, resident at 110 W. 13<sup>th</sup> Street, stated that a downtown hotel and conference center will pave the way and help us weather economic storms in the future.

Jack Lynch, resident at 409 Red Rose Court, Middletown, MD, reminded the Commission of the historical standards embodied in the Birely tannery. He added that the Birely tannery needs to remain to demonstrate that Carroll Creek is more than a concrete aqueduct.

Kimberly Melon, resident at 14522 Water Company Road, Cascade, MD, stated that she would like the Commission to take the time to teach the public and share with others the attributes of the Birely tannery, withdrawing the application for demolition of the tannery.

Mark Lancaster, owner of Lancaster Craftsmen Builders, stated that he wanted to voice his support for the hotel and conference center and he asked that the Commission approve the demolition of the Birely tannery building.

Gil House, resident at 8429 Fingerboard Road, Frederick, MD, stated that the last remaining artifacts of the Frederick tanning history will be history if demolition is allowed.

Meta Nash, resident at 300 Rockwell Terrace, Frederick, MD, stated that the historic district is more than just an outstanding collection of buildings. She added that it is a vibrant community that celebrates not only its historic buildings but also its creativity. She added that she would urge the Commission to support the staff recommendation.

Fred Michel, resident at 202 College Avenue, Frederick, MD, stated that he found it ironic that to showcase Frederick's downtown history they are in fact destroying a historic building.

Michael Pew, owner of Pew Real Estate Group located at 53 E. Patrick Street, Frederick, MD, stated that he is in support of the application for demolition of the Birely building. The downtown hotel and conference center would be a bridge that will link Market Street to East Street for foot traffic.

Barbara Wyatt, resident at 12529 Molasses Road, Johnsville, MD, stated that the tannery has been recognized as an important legacy of our industrial past for a long time and it is the last tannery in Frederick. She added that the development of the hotel would have a negative effect on the surrounding historic properties and streetscape.

Beth Pulsifer Anderson, resident at 1211 Staley Avenue, Frederick, MD, stated that she believes they could have a trolley building that is reused in a meaningful way and a hotel and conference center that is appropriately sized based on some possibly less than 8 years old data. She asked the Commission to force the developer to get creative and save the tannery.

Glen Ferguson, resident at 20 E. 2<sup>nd</sup> Street, Frederick, MD, stated that he is in favor of the progress of the hotel project and regrettably the demolition of the Birely building.

Kathie Callahan Brady, resident at 501 Prospect Boulevard, Frederick, MD, stated that she is in support of the demolition of the of this particular building. She added that the hotel and conference center will create additional job opportunities for all of the community and create a space where business conferences can be held.

Ally Dronenburg, resident at 202 W. Patrick Street, stated that to demolish the tannery building and act like this is just an old building in the way of progress is unacceptable.

Jane Weir, resident at 120 E. Main Street, Middletown, MD, stated that she sat through previous meetings and she did not hear any proof or evidence presented that downsizing this hotel project and preserving the tannery at the same time would make this project financially unfeasible.

Mary Mannix, resident of Rockville, MD, stated that she would like the Commission to vote to not allow the demolition of the Birely tannery. She added that the history of the building has not been respected from the beginning of this process.

Tony Checchia, resident at 8707 Liberty Road, Frederick, MD, stated that he finds that this project promotes preservation more than the retention of the tannery building would and he is in support of the staff recommendation.

Kara Norman, representing Downtown Frederick Partnership located at 19 E. Church Street, stated that she wanted to express strong support of the application to demolish the Birely tannery due to the significant downtown and community-wide benefit of implementing the downtown hotel and conference center.

Anthony Moscato, representing the Frederick Preservation Trust, stated that they support a downtown hotel and conference center however they do not support this particular project or site location for the proposed hotel and conference center. He added that they do not support the demolition and they would encourage the Commission to deny the request or postpone any vote until all alternatives have been duly considered.

Joan Deacon, resident at 8112 Edgewood Church Road, stated that the developer should be held responsible for preserving the tannery building or at least part of it. She added that the developer should also be held responsible for doing all archeological investigations for this site.

**Motion:** Dan Lawton moved to find despite reasonable efforts to do so this Commission together with the applicant has been unable to formulate an economically feasible plan to move forward with the proposed project while preserving the structure known as the Birely Tannery and the associated site.

**Second:** Jessica Underwood

**Vote:** 7 – 0

**Motion:** Dan Lawton moved to not avail themselves to the prescribed additional 90 days to further negotiate to find a way to preserve this site and structure because they have already spent 60 days and 5 evenings in discussion and deliberation in this matter.

**Second:** Peter Regan

**Vote:** 7 – 0

**Motion:** Dan Lawton moved to approve the demolition of the structure known as the Birely Tannery and approval of the further alteration of the surrounding site in spite of the fact this structure has been determined to be a valuable architectural and archeological resource because per the Annotated Code of Maryland, Section 8-305 Exceptions Letter D1 the site and structure as it exists today is a deterrent to a major improvement program that will be of substantial benefit to the local jurisdiction and per Exception Letter D2 retention of the structure and site as it exists today would not be in the best interest of the majority of persons in the community. By incorporating into the motion the following conditions:

- Demolition will not occur until a replacement plan is fully approved by the Commission including full HPC approval of rehabilitation plans for the railway terminal building on site;
- Demolition will not occur until corresponding building permits are issued by the City of Frederick for replacement plans;
- Demolition will not occur until a full and complete archeological study including discovery and recovery of pertinent artifacts and information is identified by Section 106 Consultative Process with the Maryland Historical Trust, and, during that process, the Commission as a Certified Local Government will participate to ensure compliance with local standards and, as necessary, aid in the formulation of a memorandum of agreement outlining further mitigation of the adverse effects resulting in the loss of historic resources; and

- **Demolition will not occur until a satisfactory plan has been approved by the Commission to photograph, document, memorialize, and interpret the site and structures and to tell and display in a significant way the story of the people and industries associated with the property and the surrounding areas.**

**Second:** Stephen Parnes  
**Vote:** 6 – 1, Carrie Albee opposed

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### VIII. Citizen Comment

A gentleman stated that he wanted to thank the Commission for working hard and helping.

Rick Simons stated that in the future there will be long discussion on some of the broad conditions made in the motion.

A woman stated that she would have been very conflicted if she was sitting in the Commission's seats and she appreciates all that the Commission has done. She added that that she wished Mr. Lawton would have considered Ms. Albee's amendment to the last motion.

Fred Michel stated that he would ask the City to do outreach to private foundations and organizations to see about them donating money to move the tannery building instead of demolishing it.

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The meeting was adjourned at approximately 10:15 PM.

Respectfully Submitted,

Shannon Pyles  
Administrative Assistant