

**HISTORIC PRESERVATION COMMISSION
HEARING MINUTES
NOVEMBER 10, 2011**

Commissioners

Scott Winnette, Chairman
Robert Jones, Vice Chairman
Timothy Wesolek
Gary Baker
Shawn Burns (not present)
Kate McConnell
Stephen Parnes (not present)
Brian Dylus, Alternate

Aldermanic Representative

Michael O'Connor

Staff

Lisa Mroszczyk, Historic Preservation Planner
Christina Martinkosky, Historic Preservation Planner
Scott Waxter, Assistant City Attorney
Matt Davis, Manager of Comprehensive Planning
Shannon Albaugh, 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.

Announcements

There were no announcements.

II. Approval of Minutes

1. October 27, 2011 Hearing/Workshop Minutes

Motion: Timothy Wesolek moved to approve the October 27, 2011 hearing and workshop minutes as written.
Second: Brian Dylus
Vote: 5 - 0

II. HPC Business

2. Administrative Approval Report

IV. Consent Items

a. Cases to be Approved

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| <p>3. HPC11-659
Amendments to Level II approval
<i>Lisa Mroszczyk</i></p> | <p>26 Lord Nickens Street</p> | <p>Housing Auth. City of Fred.</p> |
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Vote: 5 - 0

b. Cases to be Continued

V. Cases to be Heard

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| <p>4. HPC11-591
Replace porch railing and flooring, remove trees
<i>Christina Martinkosky</i></p> | <p>239 N. Market Street</p> | <p>Mack Brothers</p> |
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Staff Presentation

Ms. Martinkosky entered the entire staff report into the record and stated that the applicant seeks post-construction approval for a new railing and new floorboards that were installed to a pre-existing rear porch located on top of a one-story, circa 1950 addition. The main block of the house was constructed during the last quarter of the nineteenth century. The applicant also seeks permission to remove two large trees in the rear yard.

Applicant Presentation

Andy Mackintosh, owner of 239 N. Market Street, stated that the City gave him a violation and he did not know you needed a permit to replace handrails and existing decking. It was worn so he replaced it with the same materials. He added that his cash flow is not the best and he is very lenient with his tenants. He has spent dollars to take care of these items. He added that he would be happy to stain or paint them in whatever color the Commission saw fit. He went on to say that this part of the building is unseen from the street, you have a three foot alleyway in the back and no one goes down that alley.

Commission Questioning/Discussion

Ms. McConnell asked if what was replaced was a solid balustrade around the base of the porch post. Mr. Mackintosh answered that it was the same thing that he put up. He added that he replaced it for safety reasons. The railing was loose and there were some rotten spots in the flooring.

Mr. Winnette asked if he would have any issue making the railings so they would meet code. Mr. Mackintosh answered that he would have no problem making a 4 inch gap between the balustrades to meet code compliance. Mr. Winnette stated that what is before them in the Guidelines which would not allow pressure-treated wood. He added that the flooring would typically be tongue-and-groove rather than pressure-treated. Mr. Mackintosh stated that you would not know the difference once it is stained or painted. He added that if the Commission were to ask him to replace the flooring with tongue-and-groove

it would be a while before it would get done. Mr. Baker asked if was going to take the pickets down to where they currently are or would he stop them shy. Mr. Mackintosh answered that he would do whatever the Commission found appropriate.

Mr. Jones stated that he would rather see the decking replaced with the appropriate material because it should resemble the historic porches that exist in the neighborhood. It should be more vernacular to the neighborhood. Mr. Baker stated that there was not anything there before that was historically accurate. Mr. Jones added that the Guidelines say that if there is no physical evidence than the replacement design should resemble historic porches that exist in the neighborhood and are in keeping with the style and period of the building. Mr. Baker thought it was not a contributing resource so if they can comply with code it would be acceptable. Mr. Wesolek agreed with Mr. Baker.

Ms. McConnell stated that if this came in as an application that no work had been done they would want the flooring to be an acceptable material so now they are considering approving something after the fact and that is not what they would be approving for an application from the beginning.

Mr. Dylus stated that if they would be setting a precedence if they allow people to work outside the Guidelines and then come in and beg for forgiveness which is a bad precedence to set because the lesson learned is go ahead and do it because they will approve it since they will never make you rip it out to do it right.

Public Comment – There was no public comment.

Staff Recommendation

Although the applicant has expressed a willingness to paint all exposed wood features on the porch, the material and design of the replacement elements are inconsistent with the *Design Guidelines*. Therefore, Staff recommends denial of the new railing and floorboards.

Motion: Scott Winnette moved to deny this application because the Guidelines prohibit visible pressure-treated unless it is in direct contact with the ground on pg. 50, porch replacement should be based on documentary or physical evidence. If it is known that a porch or stoop existed but documentary or physical evidence is not available the replacement design should resemble historic porches that exist in the neighborhood and that are in keeping with the style and period of the building on pg. 82. Also on pg. 51 of the Guidelines it defines the floors of historic porches should be tongue-and-groove.

Second: Brian Dylus
Vote: 4 – 2, Gary Baker and Timothy Wesolek opposed

Motion: Scott Winnette moved to approve the removal of the two heaven trees in the rear yard.

Second: Brian Dylus
Vote: 6 - 0

5. HPC11-626
 Renovation and addition
 Lisa Mroszczyk

11 E. 5th Street

Alison Rattray
 Michael Moran, agent

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the construction of a one and two story frame addition at the rear of a resource that originally dates from the early nineteenth century. The walls of an existing late twentieth century frame addition that wraps around

the rear of the historic wing will be rebuilt in place and a modern carport will be removed. Proposed materials for the addition include:

- Double hung and awning windows with a wood-plastic composite exterior;
- Wood French doors with a fiberglass frame;
- A wood entry door with two lights and two panels;
- Fiber cement siding with a smooth finish;
- Cellular PVC with a smooth finish for the porch posts, fascia, rake and trim boards;
- MDO plywood soffits;
- A tongue-and-groove wood porch ceiling;
- Prefinished standing seam metal roofing;
- Aluminum box gutters and downspouts; and
- A CMU foundation covered with cement stucco.

The application also includes the relocation of two A/C units, installation of a patio and retaining wall composed of synthetic stone and the replacement of existing stockade and chain link fencing with a new board-on-board fence.

Applicant Presentation

Michael Moran, representing the owner of 11 E. 5th Street, stated that they would like to use aluminum clad windows because they are less expensive than the A-Series windows. He added that he had no issues with the staff recommendations. He made some changes to the drawings from what was discussed in a previous workshop and they added some trim work as well as a closet on the second floor.

Commission Questioning/Discussion

Ms. McConnell asked if they would be willing to lengthen the window opening that exists if they were to add the addition to provide access from the rear of the historic part of the building. Mr. Moran answered yes.

Ms. McConnell asked where the windows that would be reused will be located. Mr. Moran answered that on the plans all the windows marked as existing will be reused and windows marked with regular window callouts are new windows.

Mr. Winnette asked Ms. Mroszczyk what her opinion was on the request for the change in the windows. Ms. Mroszczyk stated that staff did suggest at the workshop the use of aluminum clad windows as an alternative to the vinyl clad windows. She added that given it is a new addition and they are proposing 1/1 windows that have less detail it would be appropriate in this case. Mr. Winnette asked if the aluminum clad was a paintable window. Mr. Moran answered that they are pre-painted.

Mr. Baker stated that the MDO plywood soffit is not an appropriate soffit assembly so they may want to think about using a beaded board instead of the MDO plywood. He added that Wolverine makes a very nice perforated beaded soffit assembly that is difficult to tell if it is wood or not. Mr. Moran stated that would be acceptable for them.

Public Comment – There was no public comment.

Staff Recommendation

Staff recommends approval of the application according to drawings 1-3 dated 10-31-11 and the plot plan with the following conditions:

- All cellular PVC material is painted;
- Removal of the original brick wall is limited to providing access to the addition in the location of the existing window and a partial second floor plan is submitted for staff approval;
- The fence design is revised from a board-on-board fence to a solid board fence or another design to be approved by staff; and

- Door hardware does not include the “bright brass” finish

Other materials recommended for approval include:

- AZEK Trim with the traditional finish option
- Simpson Mastermark wood door #4006
- HardiePlank lap siding with a 5” exposure and a smooth finish
- Englert Metal Roof System A1000
- Anderson Frenchwood Hinged Patio doors
- Anderson A-Series double hung and awning windows
- Painted MDO plywood soffits
- Painted tongue-and-groove wood porch ceiling
- Aluminum box gutters and downspouts
- A CMU foundation finished with cement stucco

Motion: Brian Dylus moved to approve the application with pages 134 through 136, regarding additions of the Guidelines in mind according to drawings 1-3 dated 10-31-11 and the plot plan with the following conditions:

- All cellular PVC material is painted;
- Removal of the original brick wall is limited to providing access to the addition in the location of the existing window and a partial second floor plan is submitted for staff approval;
- The fence design is revised from a board-on-board fence to a solid board fence or another design to be approved by staff;
- Door hardware does not include the “bright brass” finish;

Other materials recommended for approval include (pg. 136 and 147 of the Guidelines):

- AZEK Trim with the traditional finish option
- Simpson Mastermark wood door #4006
- HardiePlank lap siding with a 5” exposure and a smooth finish
- Englert Metal Roof System A1000
- Anderson Frenchwood Hinged Patio doors
- Anderson A-Series double hung and awning windows with the option to substitute those with Pella Endura-Clad windows to be submitted to staff for approval
- Plywood soffits to be beaded board, Wolverine soffit material or a material approved by staff to be submitted to staff for approval
- Painted tongue-and-groove wood porch ceiling
- Aluminum box gutters and downspouts
- A CMU foundation finished with cement stucco

Second: Timothy Wesolek

Vote: 5 – 1, Robert Jones opposed

6. HPC11-653

101-103 E. Patrick Street

Pamela Pendergrass

Replace asphalt siding with fiber cement

Christina Martinkosky

Staff Presentation

Ms. Martinkosky entered the entire staff report into the record and stated that this application concerns the removal of asphalt siding and the installation of Hardiplank siding on the rear portion of the east (side) elevation. This portion of the building is not visible from the public right-of-way.

The asphalt siding, which is often referred to as Insulbrick, mimics the appearance of real brick. It covers

a portion of the building that was originally a two-story porch. The proposed replacement material is Hardiplank, a modern building material comprised of wood fibers and cement.

Applicant Presentation

Pamela Pendergrass, owner of 101-103 E. Patrick Street, stated that she would now like to use CertainTeed, a product similar to Haridplank. The problem with trying to get Hardiplank now is the 9 ¼” with an 8” reveal is no longer available to the common customer and the CertainTeed fiber cement board looks just like that. She added that she would need this particular size to match the Hardiplank that is already on a portion of the building. It would be primed and painted just as was done on the other Hardiplank. She went on to say that the area they would like to replace is a faux brick finish that is attached with chicken wire and mortar to wood. The problem is behind Mr. Hartman’s building which faces the parking lot that is not seen by the general public. It is not visible from E. Patrick Street or Maxwell Alley so you can only see the area they would like to replace from the top of their garage or if you are standing in the parking lot. She went on to say that the reason they went with Hardiplank before was due to a moisture issue. When they purchased the building the framing on the corner of Maxwell Alley where the two sidings meet was all rotted and deteriorated so replaced the faux brick would only be an extension to that.

Commission Questioning/Discussion

Mr. Baker stated that there should be a piece fascia along the rake of the roof on Hartman’s Building. Ms. Pendergrass stated that she could put a piece of fascia there if the Commission decided that. Mr. Winnette asked if she would be willing to add the piece of fascia into the application. Ms. Pendergrass answered yes.

Ms. McConnell asked what the original siding was underneath the faux brick. Ms. Pendergrass answered that it was air space because there were open porches on the second and third floor. At some point someone enclosed the porches and put clapboard siding up that was deteriorated when they purchased the building so they replaced the two visible sides with the Hardiplank.

Mr. Dylus asked if the CertainTeed product would have a wood grain or smooth finish. Ms. Pendergrass answered that was up to the Commission. She understood that the Commission would not prefer the wood grain however the Hardiplank does have a wood grain finish so it would be more consistent if they allowed the wood grain.

Mr. Winnette asked if she would be looking at the cider lap siding if the Commission were to allow the CertainTeed. Ms. Pendergrass answered yes.

Mr. Winnette stated that he was having a hard time with this one because the Guidelines prohibit a cementitious siding and this is not an addition or new construction so that makes it difficult in considering the context that the previous Commission did approve cementitious siding with a grain finish. He added that he could see them approving the Certain Teed in this one case considering the rest of the building.

Mr. Jones stated that they should look at this with a little bit of leniency because Hardiplank is already up there and yes it is on a historic structure however it would give it more cohesiveness if they approved the CertainTeed siding.

Mr. Baker stated that the Commission should be considering wood because that would be consistent with the Guidelines.

Ms. McConnell stated that this is a historic structure and there are Guidelines for historic structure. This is a very historic feel even though it is not visible from the public way and once you start replacing materials it is death by a thousand cuts and you lose that integrity and feeling of what we are trying to achieve in the historic district.

Public Comment – There was no public comment.

Staff Recommendation

As the current *Design Guidelines* state that cementitious siding is not appropriate in the Historic District, Staff recommends denial of the proposed installation of Hardiplank siding.

Motion: Brian Dylus moved to approve the application because Hardi-Plank with a wood grain was previously approved by the Commission in 2001 and in keeping with consistency of product on the building with the following revisions:

- The existing material be removed and replaced with Certain Teed Weather board Cedar lap siding 9 ¼” boards.
- The Hartman roof intersection to the vertical structure section be treated appropriately for water proofing issues.

Second: Timothy Wesolek

Vote: 3 – 2, Gary Baker and Kate McConnell opposed, Scott Winnette abstained.

The meeting was adjourned at approximately 7:30 PM.

Respectfully Submitted,

Shannon Albaugh,
Administrative Assistant