

**HISTORIC PRESERVATION COMMISSION  
HEARING MINUTES  
APRIL 12, 2012**

**Commissioners**

Scott Winnette, Chairman  
Robert Jones, Vice Chairman  
Gary Baker  
Shawn Burns (not present)  
Stephen Parnes  
Tim Wesolek  
Michael Simons  
Brian Dylus, Alternate

**Aldermanic Representative**

Michael O'Connor

**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 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**

Ms. Murphy announced that Preservation Maryland will be hosting a Restoration and Renovation Fair on April 28, 2012 in Baltimore. She added that a couple of the Commission members will be attending as training and it is open to the public. She stated there should be some good demonstrations and talks on maintaining your historic home.

Ms. Murphy also announced that on May 3, 2012 the Historic Preservation Awards Ceremony will be held at the Mayor and Board of Aldermen meeting. There will also be a proclamation of National Preservation Month at that time.

**II. Approval of Minutes**

**1. March 22, 2012 Hearing Minutes**

**Motion:** Tim Wesolek moved to approve the March 22, 2012 hearing minutes as written.  
**Second:** Brian Dylus

**Vote: 7 - 0**

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### **III. HPC Business**

#### **2. Administrative Approval Report**

#### **3. Review of the Historic Preservation Property Tax Credit and Vote on a Recommendation to the Board of Aldermen**

##### **Discussion**

Ms. Murphy stated that this is a proposal that the Planning Department has been working on for some time and it concerns implementing a new property tax credit for historic preservation that would be equal to 10% of the documented expenses related to the rehabilitation of a designated historic structure in accordance with Section 9-204 of Maryland Code. She went on to say that the HPC Designation Committee did discuss the proposal and provide input on two occasions and the Mayor and Board of Alderman reviewed and discussed the proposal at a workshop on March 21, 2012 along with other tax credits being proposed by the Department of Economic Development. The Board at that time indicated support for the proposal and requested a recommendation from the HPC. The Mayor and Board hearing on this is to be determined.

Mr. Winnette stated that he was very excited and hopes the Mayor and Board will approve this because it is a real asset to property owners.

**Motion: Scott Winnette moved to recommend to the Mayor and Board of Aldermen approval of the historic preservation property tax credit.**

**Second: Tim Wesolek**

**Vote: 7 - 0**

#### **4. Review of a Request to Remove the Historic Preservation Overlay from North Pointe and Vote on a Recommendation to the Planning Commission and Board of Aldermen**

##### **Discussion**

Matt Davis, Division Manager of Comprehensive Planning, stated that the City has opened up a Comprehensive Rezoning process to anyone in the city that would like to request a change. One of those requests is to remove the Historic District Overlay from the North Market Revitalization/Hope VI project area. He added that the Commission as a board could be impacted by that change so they have the opportunity to make a recommendation to the Planning Commission.

Mr. Winnette stated that he would argue that they recommend that they not be allowed to be removed from the Historic District. He went on to say that it has been in the Historic District since 2005 and there is some history in that location since the Taney Development was there and was demolished before the area was in the Historic District. He said that if they were to recommend approval of this it would create a hole in the district and within the 2010 Comprehensive Plan there is some ambition to increase the Historic District of Frederick to at least reach out to the Historic Registry. He added that if they advocate for North Pointe to be removed there would be properties that would stand alone. He stated that it would impact the streetscape and it represents a lot of work before the Commission. Mr. Winnette said that he could not recall a time when the Commission has ever said no to the current developers.

Mr. Parnes asked if Hope VI was at all involved in the planning stages when the Historic District boundaries were extended. Ms. Murphy answered that the Hope VI project was already underway. She added that some portions that were in the Historic District the Commission had already reviewed for the demolition and Level I New Construction when the boundaries were extended. Mr. Winnette stated that

the owner of the property is the Housing Authority of the City of Frederick and they knew the expansion was happening so no one was taken by surprise when the boundaries were extended.

Mr. Wesolek stated that he disagreed with Mr. Winnette and thought that removing North Pointe from the Historic District would be a smart move on their part because there is nothing historic about these new homes that being built. He went on to say that even though the Commission has tried to make the homes historic as possible they are not historic and they do not fit the period of significance in any way. Mr. Wesolek added that he keeps seeing the Commission tie the hands of the applicant as they are trying to make this project work to revitalize the north end of the City. Mr. Dylus stated that he did not see how any recommendation the Commission has made has impacted the applicant in their ability to sell the houses. Mr. Wesolek asked what was historic about any of those houses. Mr. Dylus answered that it is not a matter of if they are historic but they just need to follow the Guidelines that are in place for the area in which those buildings exist. Mr. Winnette added that the current design went through the Commission and they are crafted to be comparable to the Historic District because they are within an envelope. He stated that this is not the edge of the Historic District so the houses you are going to see as you approach North Pointe are within the district as well as some homes past and across the street North Pointe. He stated that if they were to recommend approval of this the district would be getting smaller rather than growing as they would like it to.

**Public Comment**

Jen Swafford, property owner in the Historic District, stated that she did not think this area should be removed from the Historic District basically for all the reasons some of the Commissioners have stated. She added that given the history of the Hope VI project they were well aware that they were going to be within the Historic District when they started constructing the homes. She stated that they have been before the Commission twice with two different developers to get to where they could be approved. Ms. Swafford added that they should be commended for all of their hard work and that they have been able to put things into the Historic District such as solar panels and green items that are new.

**Motion:** Scott Winnette moved to decline the request to remove North Pointe from the Historic District Overlay and they communicate that to the Planning Commission and the Mayor and Board of Aldermen.

**Second:** Brian Dylus

**Vote:** 6 – 1, Tim Wesolek opposed

Mr. Winnette read the letter he drafted explaining their recommendation to the Planning Commission and Mayor and Board of Aldermen.

**Motion:** Scott Winnette moved to approve the drafted letter to be signed and forwarded to the Planning Commission and mayor and Board of Aldermen.

**Second:** Brian Dylus

**Vote:** 6 – 1, Tim Wesolek opposed

**IV. Consent Items**

**a. Cases to be Approved**

**b. Cases to be Continued**

**V. Cases to be Heard**

**5. HPC12-189**

**516 N. Bentz Street**

**Nexus Energy Homes**

Install arbor to hold solar panels  
*Lisa Mroszczyk Murphy*

Sue Creamer, agent

### **Staff Presentation**

Ms. Murphy entered the entire staff report into the record and stated that this application concerns the construction of a painted wood pergola with eight solar panels on the rear of a new duplex dwelling previously approved as part of the North Market Revitalization/North Pointe development. The pergola will measure 13'-4" deep by 11'-0" wide by 11'-4" tall.

### **Applicant Presentation**

Sue Creamer, with Nexus Energy Homes, stated that the pergola would not impact the neighborhood negatively since they are nice looking pergolas. She added that they are in the back of the building and they are necessary for them to have the appropriate number of solar panels to energize the house. She went on to say that since this is a duplex they have a small area that solar panels can be put on.

### **Commission Questioning/Discussion**

Mr. Dylus asked if the total number of solar panels that would be put on the pergola would equal the house that is adjacent that has the full roof exposure. Ms. Creamer answered yes.

Mr. Baker stated that at one time the Commission was told that they would not need additional panels on anything other than what was designed for the roof. He added that adding solar panels on top of a pergola is insult to injury and an inappropriate design. He said that he did not like the pergola because there were too many of them and to add the shading from the panels is wrong and completely inappropriate. He stated that adding a porch on the back in a different design would be an appropriate kind of solution.

Mr. Dylus asked the applicant if they have done the calculations to prove that adding the panels to the south facing roof would not work. Ms. Creamer answered yes. Ms. Creamer added that she has been looking at the houses and the houses on Bentz Street are the ones that they have the most problems with and she did not foresee needing pergolas all over the neighborhood so they would only be in a couple locations.

Mr. Dylus asked if they have already set a precedent for the pergolas with solar panels since they approved one in a previous case. Mr. Baker answered that they go by a case by case basis and where they may have approved the previous application he thought it was a mistake.

Mr. Winnette asked Ms. Creamer to verbally describe how the pergola has been changed so that the posts are not blocking a window. Ms. Creamer answered that when it was built in the previous case it goes behind the kitchen window about 4" so they would just need to move it over a little bit towards the porch and it would not block the window.

Mr. Baker stated that they should have a solar expert with no bias come in to give them a true to the fact discussion about the solar panels because every time they get someone in front of them they all say different angles are better than others. Mr. Winnette stated that the solar panels are going to continue to be a part of the work of this Commission in the future so it would be a good idea to work towards training where they can better understand solar panels and how they work. Ms. Creamer stated that they actually monitor the efficiency of the panels which is through a third party and they can tell exactly how much energy the houses are producing, as well as how much the house is using. She added that they do not just put them up there and after hope they are working properly.

Mr. Parnes stated that there could be other options to a design that would be more acceptable. He added that when the Commission approved the pergola previously it was already built when the application came before the Commission. He added that he thought the reason some of Commissioners approved the previous case was because they did not want something that was already built torn down.

**Public Comment – There was no public comment.**

**Staff Recommendation**

Staff recommends approval of the application with the condition that a rear elevation drawing showing the angle of the solar panels and the relationship to the first floor window and door is submitted prior to applying for a permit.

**Motion:** Brian Dylus moved to deny the application for the addition of a trellis that would be supporting solar panels in the back of the house as in it is not consistent with the Frederick Town Historic District Design Guidelines with respect to massing, porches, roofs, etc., and because there could be an alternate solution.

**Second:** Gary Baker

**Vote:** 7 - 0

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|--|-----------------------------------|--|
| <p><b>6. HPC12-190</b><br/>Install arbor to hold solar panels<br/><i>Lisa Mroszczyk Murphy</i></p> | <p><b>520 N. Bentz Street</b></p> | <p>Nexus Energy Homes<br/>Sue Creamer, agent</p> |
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**Staff Presentation**

Ms. Murphy entered the entire staff report into the record and stated that this application concerns the construction of a painted wood pergola with eight solar panels on the rear of a new duplex dwelling previously approved as part of the North Market Revitalization/North Pointe development. The pergola will measure 13'-4" deep by 11'-0" wide by 11'-4" tall.

**Applicant Presentation**

Sue Creamer, with Nexus Energy Homes, had nothing further to add.

**Commission Questioning/Discussion**

Mr. Simons stated that the efficiency of the solar panels is not necessarily predicated on the size and shape on the panels and there are smaller solar panels that can produce as much electricity as a larger one. Ms. Creamer stated that the panels they are proposing are some of the smaller ones.

**Public Comment – There was no public comment.**

**Staff Recommendation**

Staff recommends approval of the application with the condition that a rear elevation drawing showing the angle of the solar panels and the relationship to the first floor window and door is submitted prior to applying for a permit.

**Motion:** Brian Dylus moved to deny the application based on the fact that installation of solar panels on top of a trellis is inconsistent with Frederick Town Historic District Design Guidelines.

**Second:** Gary Baker

**Vote:** 7 - 0

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| <p><b>7. HPC12-203</b><br/>Replace door<br/><i>Christina Martinkosky</i></p> | <p><b>21 W. All Saints Street</b></p> | <p>Calista Phillips</p> |
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Mr. Winnette announced that it is on record that the applicant requested a continuance to the May 10, 2012 hearing.

**Motion:**        **Scott Winnette moved to continue the case to the May 10, 2012 hearing.**  
**Second:**      **Tim Wesolek**  
**Vote:**         **7 - 0**

The meeting was adjourned at approximately 7:30 PM.

Respectfully Submitted,

Shannon Albaugh,  
Administrative Assistant