

**HISTORIC PRESERVATION COMMISSION
HEARING MINUTES
JANUARY 8, 2015**

Commissioners

Scott Winnette, Chairman (not present)
Robert Jones, Vice Chairman
Stephen Parnes
Tim Wesolek
Michael Simons
Rebecca Cybularz
Carrie Albee
Chase Tydings, Alternate

Aldermanic Representative

Donna Kuzemchak (not present)

Staff

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

Call to Order

Mr. Jones 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. Jones announced that the Mayor and Board of Aldermen will review and vote on the approval of the resolution to adopt the 2015 Design Guidelines for Individual Landmarks and Small Districts on Thursday January 15, 2015 at 6:00 pm.

Mr. Jones also announced that Preservation Maryland will be holding a Town Hall meeting to talk about preservation on Saturday January 10, 2015 from 2:00 pm until 3:00 pm at the Historical Society on Church Street. He added that it is a new campaign to direct attention to historic preservation throughout the state of Maryland.

Ms. Martinkosky announced that HPC14-1012 located at 262 W. Patrick Street was removed from the agenda because all public notice requirements were not met for this case.

III. Approval of Minutes

1. December 11, 2014 Hearing/Workshop Minutes

Motion: Stephen Parnes moved to approve the December 11, 2014 hearing and workshop minutes as written.
Second: Timothy Wesolek
Vote: 7 - 0

IV. HPC Business

- 2. Administrative Approval Report**
- 3. Code Enforcement Report**

V. Consent Items

There were no consent items.

VI. Cases to be Heard

4. HPC13-229 Construct addition <i>Matt Davis/Christina Martinkosky</i>	102 W. 3rd Street	Peter Samuel
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Ms. Martinkosky entered the entire staff report into the record.

Motion: Chase Tydings moved to approve the application which includes the following work:

- Remove a portion of the roof capping the rear ell, including a dormer, and approximately 14 feet of the rear wall of the main block at the third story level.
- Construct an addition with the following materials
 - Hardie-plank fiber cement siding and trim
 - 1/1, double-hung fiberglass windows by Marvin
 - Rubber membrane roof
- Replace the existing metal roof capping the main block with a rubber membrane.

In line with the staff report this work can be completed with the following conditions:

Lisa Mroszczyk Murphy/Christina Martinkosky

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

Public Comment

Richard Winters, the stand in counsel for Mr. Pickett, stated that he received a copy of the Historic Preservation Commission application and he admitted that he is not totally familiar with process but the application form seems to mandatorily require that it be completed in total and after looking at the form he noticed that Mr. Adkins incorporated by reference certain attachments to each of the case summaries but the description of the proposed replacement plan is blank. He added that Mr. Adkins (in his defense) did articulate orally to the HPC what the City's replacement plan it but it seemed to him that the requirement that the form must be completed in its entirety with attachments before it will be considered by the HPC or reviewed for administrative approval hasn't been met. He went on to say that he wanted to reiterate that Mr. Pickett has filed with the Court of Special Appeals in Annapolis an appeal of the Circuit Court's decision that rendered ownership of this particular property in the City of Frederick. He added that he believed that there are meritorious claims which may result in a reversal of the Circuit Court's decision and if that were to occur the owner of the property would be Alan Pickett. He stated that at that point should that occur and should the demolition occur it would seem to him that Mr. Pickett may well assert some type of due process argument or claim that his property has been illegal tampered with and that might give some rise to some type of damaged relief which he may assert.

Peter Samuel, resident at 102 W. 3rd Street, stated that it seemed to him that structural the front of the building is in excellent condition and of course Mr. McLaughlin's building next door is beautifully kept and maintained. He said that he thought the back should be rebuilt and that is what was done in the case of the Fisher Building. He stated that he seemed outrageous to him that the City should try to move forward with this without having established ownership of this building because it is being appealed. He went to say that there is an ethical issue of Mr. Adkins deciding the pay conditions and promotions of the staff reviewing the application.

Motion: Robert Jones moved to find the rear wing to be non-contributing due to the extent of deterioration and structural issues that are well documented through photographs and professional engineer's report the wing has lost its integrity and no longer provides any architectural or historical value to the historic district

Second: Chase Tydings

Vote: 5 – 2, Michael Simons and Carrie Albee opposed

Motion: Timothy Wesolek moved to approve the demolition on this property since it was determined that this rear wing is a non-contributing resource and because the approved demolition of this rear wing will not compromise the integrity of the streetscape or any surrounding historic properties or the design integrity of the entire building and in reference with the letter received from Tracy A. Coleman, Deputy Director of Engineering, who deemed the rear portion of the building to be unsafe in its current condition and a potential hazard for any performing work on the structure in the future and there appears to be no method for preserving the structure on the rear portion of the building.

Second: Chase Tydings

Vote: 5 – 2, Michael Simons and Carrie Albee opposed

11. HPC14-1007
Replace rear stairs

6-8 E. Patrick Street

Jon Graff
Robert Hajjar, agent

Jackie Marsh

Ms. Martinkosky announced that this case was continued to the next scheduled hearing due to public notice requirements not being met.

14. HPC14-1028ZMA 8415 Gas House Pike Historic Preservation Commission
Historic Preservation Overlay Zoning Map Amendment
Christina Martinkosky

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

Motion: **Timothy Wesolek moved to not issue a positive recommendation to the Planning Commission and the Mayor & Board of Aldermen for the rezoning of three stone structures at the Clustered Spires Golf Course located at 8415 Gas House Pike because the property lacks the significance and historic integrity to be a strong applicant for the Historic Preservation Overlay (HPO) zone due to the fact that there is a lack of historic context to adequately define the sites historic significance and perhaps more importantly the loss of the historic integrity does not allow the property to relay any potential significance and that the loss of the primary residence being the house is no longer present.**

Second: **Rebecca Cybularz**

Vote: **4 – 3, Chase Tydings, Carrie Albee and Michael Simons opposed**

The meeting was adjourned at approximately 8:45 PM.

Respectfully Submitted,

Shannon Pyles
Administrative Assistant