

HISTORIC PRESERVATION COMMISSION

HEARING MINUTES

APRIL 14, 2011

Commissioners

Scott Winnette, Chairman

Robert Jones, Vice Chairman

Timothy Wesolek

Gary Baker

Shawn Burns (not present)

Brian Dylus, Alternate

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Aldermanic Representative

Michael O'Connor

Staff

Emily Paulus, Historic Preservation Planner

Lisa Mroszczyk, Historic Preservation Planner

Scott Waxter, Assistant City Attorney

Nick Colonna, Division Manager of Comprehensive Planning (not present)

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. March 24, 2011 Hearing/Workshop Minutes

Motion: Robert Jones moved to approve the March 24, 2011 hearing/workshop minutes as written.

Second: Gary Baker

Vote: 4 - 0

• II. HPC Business

•2. Administrative Approval Report

Ms. Mroszczyk announced that The Mayor and Board of Aldermen voted to eliminate the ten day public notice requirement for administrative approvals which will go into effect on Monday April 18, 2011. So from here on out applications that qualify for administrative approval will not need to post a public notice sign.

•3. Review and Approval of a Letter to the Planning Commission Regarding the Nicodemus Property

Discussion

Ms. Mroszczyk stated that the letter staff prepared for the Historic Preservation Commission to submit to the Planning Commission is to convey and highlight the property's significance to the Planning Commission and to support the heritage resources element of the Comprehensive Plan. The Comprehensive Plan has been approved by the Planning Commission and the Mayor and Board so this is not something that the Planning Commission and Mayor and Board are unaware of. In 2008 staff prepared the research regarding this property and it was presented to the Planning Commission and the applicant and owner were aware of the research and the significance of the property at the time. Staff is working with the applicant in their current reviews of the site plan so they are well aware of the concerns and they are trying to work with staff. The letter is just encouraging the Planning Commission to consider the significance of the resource. She added that approving the letter of support to the Planning Commission does not in any way initiate designation and it does not imply that the property will be designated.

Mr. Winnette stated that they had the letter in front of them and since they discussed it at a previous meeting he wanted the Commission to approve it. Mr. Winnette asked if there was an agreement to send the letter forward. All Commissioners agreed.

Mr. Winnette asked the Commission if they would be willing to initiate the process towards designation since they had the Nicodemus Property information in front of them. All Commissioners agreed to start the process.

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the construction of a two story addition at the northwest corner of the Asbury United Methodist Church including the following materials and specifications:

- Brick with tinted mortar to match the existing as the primary wall material;
- Precast stone veneer as the secondary wall material;
- Cast stone coping and coursing;
- Wood casement windows;
- Glass block windows;
- Wood French doors;
- Opaque glass transom;
- EPDM roofing;
- Concrete parking area and walkway; and
- Rooftop mechanical equipment.

Revisions submitted since the workshop include the addition of a brick wall to screen grease and trash barrels, pilasters and revised roof line. Revisions also include the elimination of the pin mounted copper lettering, the cast stone panels and the inset circle detail.

The Commission approved a similar application in 2007 (HPC06-748) but that approval has since expired. The Commission approved the construction of a brick and concrete ramp at the February 24, 2011 hearing (HPC11-53) which is the first phase of this project.

Applicant Presentation

Richard Johnson, with Asbury United Methodist Church, concurred with the staff report.

Commission Questioning/Discussion

Mr. Jones asked if the crosses were cast concrete. Mr. Johnson answered yes.

Mr. Baker asked why they went with a brick row lock cap on the gable on the north elevation and a cast stone cap on the rest of the addition. Mr. Johnson stated that he would have to refer that to the architect, who was not present, but it was just a matter of choice. Mr. Baker thought that would cause maintenance problems and that it did not fit in with the continuity of the overall design on the rest of the structure. Mr. Johnson also thought it would be a maintenance issue and he was willing to change that to a cast stone cap.

Mr. Baker thought there needed to be some type of design work detail done that would push the stone out flush with the pre cast stone to maintain a more traditional look and having the brick pushed back. Mr. Johnson agreed.

Mr. Baker thought it was going to be a nice looking addition.

Mr. Jones asked if the A/C unit that was proposed to be on top of the building was going to supply air to the addition only. Mr. Johnson answered that they were not providing heating and cooling to the entire structure. Mr. Jones asked where the existing unit was going to be relocated. Mr. Johnson answered that it would go on top of the roof as well. Mr. Winnette asked if that unit was going to go on the existing roof. Mr. Johnson answered yes. He went on to say that the unit would go over the existing vestment room which would create a pocket for the unit to sit. Mr. Winnette mentioned that a Commissioner could put a condition in the motion that the A/C units will need to be worked out with staff.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends approval of the application as consistent with the *Frederick Town Historic District Design Guidelines* with respect to additions as shown on drawings A-1, A-2, A-3 and A-4 revised and dated April 4, 2011 including the materials outlined in this report as well as the following product specifications:

- Owens Corning Cultured Stone- Gray Cobblefield
- Marvin French Casemaster Windows and Ultimate Outswing French Door
- ReadingRock RockCast cast stone wall cap and banding
- Glen-Gery Facebrick 56-DD

Motion: Scott Winnette moved to approve the application as consistent with the *Frederick Town Historic District Design Guidelines* with respect to additions as shown on drawings A-1, A-2, A-3 and A-4 revised and dated April 4, 2011 including the materials outlined in this report as well as the following product specifications:

- - - Owens Corning Cultured Stone- Gray Cobblefield
 - Marvin French Casemaster Windows and Ultimate Outswing French Door
 - ReadingRock RockCast cast stone wall cap and banding
 - Glen-Gery Facebrick 56-DD

With the condition that they replace the brick row lock cap on A-4 with a cast stone cap and to work with staff on the relocation of the HVAC unit that is being replaced and that the stone detail comes out further than the brick.

Second: Gary Baker

Vote: 5 - 0

7. HPC11-81

106 W. 4th Street

Judith Candela

Porch roof

Emily Paulus

Staff Presentation

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking approval for a modification to a previously-approved rear addition (HPC 10-164). The modification includes the following:

1. Exposure of the underside of the cantilevered second floor porch (which was original approved to be enclosed with painted bead board);

Applicant Presentation

Judith Candela, owner of 106 W. 4th Street, appreciated staff and the Commission making a site visit to spend a good bit of time to discuss the issue. She went on to say that she would be happy with painting the underside deck above between the joists and she did not have a problem with either beading or chamfering the edges of the beams. Ms. Candela stated that the beams already have one coat of polyurethane on them and once it gets a little bit warmer another coat of polyurethane will be applied.

Commission Questioning/Discussion

Mr. Baker asked if the second floor ceiling was going to be painted. Ms. Candela answered yes.

Mr. Wesolek thought this was an excellent compromise. Mr. Winnette agreed.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends approval of the exposed underside of the rear porch with the following conditions:

- That the edges of the joists be either beaded or chamfered; and
- That the spaces between the joists be painted to match the 2nd floor porch ceiling.

Motion: Timothy Wesolek moved to approve this application regarding the applicant's request for the porch and since the joists are not pressure-treated allow the applicant to either chamfer or bead the edges of those posts and add an additional coat of

polyurethane on later this summer and that they would paint the underside between the joists the same color that they paint the second floor ceiling.

Second: Gary Baker

Vote: 5 - 0

8. HPC11-110

500-600 N. Bentz Street

Teresa Justice

Install solar panels, raise elevation and replace doors
agent

Tim Daniel,

Lisa Mroszczyk

Staff Presentation

Ms. Mroszczyk entered the entire staff report into the record and stated that the application consists of amendments to previous approvals for the North Market Street Revitalization (Hope VI) project, now known as North Pointe. These items were continued from the March 24, 2011 hearing. The proposed amendments include the following:

1. Installing photovoltaic panels on the roofs;
2. Replacing the previously approved wood sash doors with fiberglass doors of a similar style;
3. Raising the basement height by one foot on all lots except 47-51;
4. Adding or enlarging basement windows and aligning them with windows on the upper stories;
5. Providing additional brick detailing at the basement level;
6. Adding or enlarging windows on side elevations of lots, 22, 39, 41, 43, 44, 46, 47, 49, 50, 51, 58 for egress requirements;
7. Removal of an existing tree from lot 7 and the planting of 3 new trees (lot 42, 46 and 56)

The applicant obtained approval for the installation of solar panels and the use of fiber cement siding on lots 2-11, 47-52, 54-59 at the hearing on July 22, 2010 (HPC10-194, 10-195, 10-196). The applicant obtained approval for fiber cement siding and trim for all the remaining lots as well as the installation of solar tubes, replacement of solid wood doors with solid fiberglass

doors and the installation of fencing at lots 8 and 9 as part of this application at the hearing on March 24, 2011.

Applicant Presentation

Tim Daniel, with Zavos Architecture & Design, stated that regarding the solar panels this portion of the project is the same case even though there is a different case number it is still the same project as a whole and with that it is substantially no different than the remainder of the project for which the panels were approved. There is pretty much the same formal design language and detailing as well as surrounding context for the project. He added that since they are the same project as a whole it warrants this application being reviewed consistently with the remainder of the project. Mr. Daniel mentioned that they did go back to some of the panel configurations that are street facing and made some efforts to break up the monolithic massing of those and they tried to line them up with the windows in the front to do their best to coordinate them with the fronts. Mr. Daniel thought that since this is new construction there was some justification for providing different a different pattern and texture. He added that solar panels are something that goes hand in hand with preservation and conservation so he thought they should be welcomed as materials that are okay for public view.

Mr. Daniel stated that in regards to the fiberglass door they have not been able to find a door that meets that concern about the profile. He asked if the Commission would be amenable to approving a door contingent on the applicant finding one that staff would approve. Mr. Winnette asked if they would stick with a wooden door if they could not find a fiberglass door that staff would approve. Mr. Daniel answered yes.

Mr. Daniel clarified that regarded the basement level staff mentioned that Lots 47 - 51 are not raised and Lots 41 - 46 are also not raised.

In respect to the tree the applicant is very concerned about the realities of the construction around that even though it is mandated that the tree remain through construction. Mr. Daniel stated his concerns about putting the parking spaces so close to the tree. He added that the tree does effect the solar viability on those particular dwellings. With respect to the trees that Ms. Mroszczyk alluded to he thought that the one Poplar that was removed was done in consultation with the City Arborist due to utility lines during the construction at the site. Mr. Daniel mentioned that the applicant is willing to plant more than just these three that were proposed to further compensate.

Commission Questioning/Discussion

Mr. Baker asked if they shifted the panels around and diminished the quantity of the panels on the front elevation of Lots 41 and 42. Mr. Daniel answered that the quantity remains the same but they were originally clustered together so that all 16 panels were in one mass but they pulled them apart to align the outermost edges with the windows on the front at the two ends. Mr. Baker asked if the dormers on the rear of Lots 41 and 42 were new. Mr. Daniel answered yes because the applicant plans to have it as an option to the prospective buyers to finish the attics off. Mr. Baker asked if they would be the areas that would be brought back before the Commission to have additional solar panels installed. Mike Murphy, with Nexus, stated that the photovoltaic array is designed specifically for each house and its needs. They were set up with sixteen (16) panels on there and if they needed eighteen (18) they would stay in that design so they would not change from trying to integrate it into the window but he would not have that answer until the analysis is completed on each home when they start the permitting of each home. He added that they take in a ten year average of accessory load and the homeowner is given that portion of accessory load covered under the panels because there is no way for them to know if someone has fifteen TVs or a hair salon in the basement so they have to design the arrays to cover those aspects of the homes that they can control as the builder which would be heating, cooling, lighting, appliances and the ten year average of accessory load. Mr. Winnette asked if their desire to declare a net zero home would be based on the user and they would not come back before the Commission and say it always has to be net zero. Mr. Murphy answered that the definition of net zero is being accomplished by what they are giving the consumer and it is then the consumer's responsibility to control their usage and they give them that ability with their Nexus Vision System which gives them the exact consumption and production numbers on a real time basis.

Mr. Dylus asked if the panels would increase in square footage from what they have in front of them. Mr. Murphy answered they would not increase substantially but they could increase slightly if the consumer chose options that increased the controllable load. Mr. Dylus asked if the panels were designed for build out of the attic and basement. Mr. Murphy answered that it is not designed for option build out. Mr. Baker asked if they could submit new drawings to show what the optimal outcome would be so the Commission could make a clearer judgment on this.

Mr. Baker asked why some of the windows are wider and bigger than other of these elevations on the same house. Mr. Daniel answered that on the attic level they are egress windows since the new code requires inhabitable level space having a rescue compliant windows and that is the size unless you added a more squat proportioned double hung window.

Mr. Daniel stated that they were not going to ask for a vote on the solar panels since the Commission requested some modifications in terms of showing the full extent. Mr. Winnette asked if the applicant was willing to continue the solar panels as well as the additional dormers.

Mr. Daniel answered that they would include all of those because they are integrated as part of the building design.

Mr. Baker asked if the brick band at the stoop is new. Mr. Daniel answered yes and the intent there it to align it with more of a row lock.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends approval of the installation of Schuco MPE modules MS 05 series solar panels as proposed on lots 18- 20, 22-26, 35- 39, 60, 61, 67, 68, on the rear only of lots 27 and 34 and on the rear half of side facing roof slopes only on lots14-17 and 30-31 because their placement is consistent with the guidelines as described in this report.

Because the applicant has not demonstrated that the proposed buildings could not be designed so that the solar panels are located on the rear or obscured from view from the street, or that photovoltaics compatible with the texture, size, shape and scale of materials in the historic district could not be utilized, staff recommends denial of the installation of solar panels on lots 29, 32 and 41-46, on the front of lots 27 and 34 and on the front half of side facing roof slopes on lots 14-17 and 30-31.

Staff recommends denial of the substitution of fiberglass doors in the case of the previously approved wood sash doors because their detailing is appropriate for this historic district as further described in this report.

Staff recommends approved of raising the basement level by one foot including the additional brick detailing and modifications to basement windows as well as the proposed egress windows on side elevations according to the drawing set dated 4-4-11 with the condition that a revised showing the windows on the side elevations of 6th Street lots 43-44 is submitted for staff approval because the change is minor and does not detract from the overall design or streetscape.

Staff recommends denial of the removal of the tree in lot 7 because it detracts from the landscape and setting of the historic district.

Solar Panels & Dormers & Windows

Motion: Scott Winnette moved to continue the elements that have been agreed upon with the applicant that would include the location of the solar panels in which the Commission asked for more drawings to show what would be the potential on at least one of these if the basement and attic is completed as well as additional drawings showing the elevations of the panels from each direction. Also the continuance of the dormers and all the new windows that were shown that were not previously approved by the Commission to the April 28, 2011 hearing.

Second: Brian Dylus

Vote: 5 - 0

Doors

Motion: Scott Winnette moved to approve the fiber glass door that does not have an overly large trim framing the glass panels with the condition that it be found in such a way that it be approved by staff, if that door does not exist then the previously approved wood door should be installed.

Second: Brian Dylus

Vote: 5 - 0

Raising the Elevation of the Basement

Motion: Scott Winnette moved to approve the raising of the basement height by 1 foot and adding or enlarging the basement windows, appreciating that the changes since the workshop has enhanced the detail and proportion of the openings at the basement level so the level of the detail is more compatible with other residential buildings in the Historic District

Second: Timothy Wesolek

Vote: 4 - 1, Gary Baker opposed

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Tree

Motion: Scott Winnette moved to deny the removal of the tree in Lot 7 because it detracts from landscape and setting of the Historic District.

Second: Brian Dylus

Vote: 5 - 0

9. HPC11-118

2 Clarke Place

Tarek Aly

Replace windows, porch work and fence

Emily Paulus

Staff Presentation

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking post-construction approval for the following work on a late-19th century contributing Queen Anne/Shingle Style-inspired house:

- 1) Replacement of 17 windows with new Lincoln "Traditions Collection" wood windows. Window locations are as follows:
- a. 11 windows along the entire basement level. The installed windows in these locations are 2-light windows with simulated divided lights, which based on photo documentation match the configuration of the earlier windows. The segmental arched frames were preserved.
- b. 5 windows at the third floor turret. The installed windows in these locations are 1/1 double hung sash. The earlier windows in these locations had been missing for several years, but a 1912 era historic photo indicates that they were 2-light sliders or casements (these windows are also still visible in a 2002 era photo on file in the Planning Department).

- c. 1 window at the first floor of the east elevation, at the location of the stairwell. The replacement window in this location is a 1/1 double-hung sash. Although staff has not seen or been provided with documentation of the earlier window in this location, based on the other windows at the first and second floors, it was almost certainly a 1/1 double-hung window.
- 2) Removal of the former non-original exterior staircase on the west elevation, facing South Market Street. The applicant is proposing to infill the lower part of the former door opening with shingles to match the wall, returning it to its original condition.
- 3) Replacement of the second floor posts at the rear porch with 6x6 posts to match those on the first floor.

The application also requests approval to install a 6 foot high solid board fence along the side and rear yard perimeter.

Applicant Presentation

Tarek Aly, owner of 2 Clarke Place, stated that the basement windows are wooden windows and they preserved as many windows as they could but the windows they replaced had no insulation and they would not lock. He went on to say that they replaced the window in the attic because there were no working windows up there and they needed some type of ventilation for the attic. He mentioned that most of the windows were boarded up so in the picture it may show there was a window but there really was not. They matched the double hung window from another level so from the street level all the windows are exactly identical. Mr. Aly stated that to his knowledge they are way past the 25' from the front of the house but on the side of the house there is no way to be 25' from the property line for the installation of the fence. He stated that since the house is at an intersection they wanted to install the 6' fence for privacy. Mr. Aly added that they removed the side stairs because it was an eye sore.

Commission Questioning/Discussion

Mr. Winnette stated that it is not in keeping with the Land Management Code to install a 6' fence there so it is beyond their purview but they could put a 4' fence. Ms. Paulus added that she consulted with a colleague in the Planning Department and it was their interpretation that in order to have a 6' fence along the side property line it would have to be setback 25' from the property line. Ms. Paulus thought that the only option the applicant would have is to reduce the fence to 4' but she encouraged him to talk to one of the Development Review Planners in the Planning Department. She added that from a preservation stand point there were concerns with having a 6' high solid privacy fence that would extend beyond the foot print of the building on the side and would create a wall effect along S. Market Street and potentially block some view points along there. Mr. Aly stated that he would be willing to bring the fence down to a 4' fence.

Mr. Dylus asked if they would then be withdrawing the fence or continuing the fence. Mr. Aly stated he would like to withdraw the fence and put landscaping up instead.

Mr. Baker stated that his issue with the windows is they were illegally and improperly put in. He was very disappointed that the applicant went to this measure after they went through a very nice design for the garage in which they talked to the applicant about how important the district is and he went ahead with all this work without approval.

Mr. Dylus asked if the property would be in compliance if a dark spacer bar was used instead of a metallic one. Mr. Baker answered that most replacement windows in a historic building are true divided light. Mr. Dylus stated that the Guidelines say that "simulated divided muttins may be acceptable with insulated glass in new additions or rear and side elevations if the muttins are fixed and have a dark spacer bar." Mr. Dylus asked if it was just a matter of just popping out the old window and popping in a new one with a dark spacer bar and then it would be compliant. Ms. Paulus answered that would be true on side and rear elevations. Ms. Paulus added that in her mind this house basically has two front elevations which would be Clarke Place and S. Market Street.

Mr. Baker stated he concurred with the staff report in regards to the denial of the current turret windows because those windows should not be there.

Mr. Winnette agreed with Mr. Baker in regards to the basement windows. Mr. Winnette stated that based on the Guidelines he would be willing to allow the windows that are not on the Clarke Place and Market Street façade to remain because they are very close to what the Commission may have approved otherwise except for the coloration of the spacer bar. He added that he would ask that the Market Street and Clarke Place façade basement windows be replaced.

Mr. Baker did not understand the effort to beautify this structure and leave 6x6 posts back there. He suggested chamfering the edge of the posts to dress it up a little bit since there are very beautiful columns in the front and side. Mr. Aly stated that the main reason they would like to replace the posts with a 6x6 is because the balcony is sagging so they want to try to get it up a little bit higher and the 6x6 would give it more support. Mr. Baker thought a 6x6 post would be a violation of anything on a building of this quality. Mr. Winnette suggested withdrawing the porch posts from the application since the work has not been done yet and to talk with staff about other alternatives. Mr. Aly agreed to that.

Public Comment - There was no public comment.

Staff Recommendation

Staff recommends denial of:

- The basement windows as installed because they are inconsistent with the Commission's *Guidelines* which recommend that replacement windows have either true divided light or simulated divided lights with a dark spacer bar.
- The turret windows as installed because they are inconsistent with the Commission's *Guidelines* which recommend that the configuration of replacement windows be based on the documentary or physical evidence, if it exists.

Staff recommends approval of:

- The east elevation window at the stairwell because it is consistent with the *Guidelines* in terms of size, material, and configuration.
- The removal of the exterior staircase at the west elevation because photo documentation suggests it was not early or original and did not contribute to the character of the side porch.
- The infill of the former door opening at the porch that once related to the staircase, provided the infill match the rest of the wall as closely as possible in terms of material, color, and overall appearance, because the *Guidelines* support the removal of non-contributing features and the re-installation of missing features.
- The replacement of the former 4x4 posts with new 6x6 posts, provided they are non-pressure treated wood and painted, because the *Guidelines* support the removal of non-contributing features and the re-installation of missing features.

Staff also recommends that the applicant work with staff on a fence proposed that is consistent with the Land Management Code and the Commission's *Guidelines*.

Basement Windows on East Elevation

Motion: Brian Dylus moved to approve the as installed basement windows that face the 4 Clarke Place residence.

Second: Scott
Winnette

Vote: 3 - 2, Robert Jones and Gary Baker opposed

Staircase and Door Opening

Motion: Brian Dylus moved to approve the east elevation window at the stairwell because it is consistent with the Guidelines in terms of the size, materials and configuration and approval of the removal of the exterior staircase at the west elevation because photo documentation suggests that it was not early or original to the structure and did not contribute to the character of the side porch and approval of the infill of the former door opening at the porch that was once related to the staircase provided that the infill matches the rest of the wall as closely as possible in terms of material, color and overall appearance because the Guidelines support the removal of non-contributing features and the reinstallation of missing features is being pursued by the applicant.

Second: Timothy Wesolek

Vote: 5 - 0

Turret Windows & Basement Windows on Clarke Pl & S. Market St.

Motion: Brian Dylus moved to deny the installed turret windows because they are inconsistent with the Commission's Guidelines which recommend that the configuration of replacement windows be based upon documentary or physical evidence if it exists which it does as evidence by a photograph of the 1912 street scene which shows turret windows that appear to be more encasement or slider type as opposed to double hung and denial of the installed basement windows which face the Clarke Place street address and the S. Market Street elevations because the windows as installed are inconsistent with the Commission's Guidelines which recommend that replacement windows either have true divided lights or simulated divided lights with a dark spacer bar which the windows that are installed have a metallic spacer bar.

Second: Gary Baker

Vote: 5 - 0

The meeting was adjourned at approximately 8:50 PM.

Respectfully Submitted,

Shannon Albaugh, Administrative Assistant