

Michael Gehr, chair, called the meeting to order at 4:32 p.m. on Thursday, April 22, 2021, in the Council Chamber, Second Floor, City Hall. A roster of the members of the commission and the technical posts they fill are on file and available upon request. Also present were commission members L. Allen (via Zoom), D. Carroll, M. Chilton (via Zoom), C. George, and R. Powell. S. Bockmiller, Development Planner/Zoning Administrator and D. Calhoun, Secretary, were present on behalf of the Planning and Code Administration Department.

**Approval of Minutes:**

March 25, 2021 and April 8, 2021:

The minutes were not ready for approval.

**CONSENT AGENDA**

None.

**DESIGN REVIEW**

**19 Rochester Place/Hagerstown Cultural Trail – City of Hagerstown –Review of Materials, Case No. HDC 2021-19.**

Rodney Tissue, City Engineer, was present.

Staff Report: This is a G resource in the Downtown Local Historic District. This is the site of a former three-story building that was removed a few months ago. The HDC reviewed the site plan for this project at its meeting on April 8. At that time the materials list was not complete. Since then the following materials have been identified for the project:

- Red and gray pavers (samples to be provided at the meeting).
- Granite insets (both neutral and with the trail logo).
- Fencing (along the District Court property and for the Maryland Theatre’s dumpster enclosure, which is in the alley right-of-way and out of the commission’s purview).
- Benches (Victor Stanley RMS-24 with armrest)
- Trash Receptacles (Victor Stanley SD-42 with dome)

Staff recommended approval of the materials proposed. While chain link fencing is typically not appropriate for use in the historic district, the fencing proposed is already in use on the District Court property (which is beyond the authority of this commission) and the Cultural Trail and consistency with the existing fencing plan will minimize their impact on the district. Any improvements within the street or alley rights-of-way are not subject to HDC review, nor are any improvements on the State (District Courthouse) property.

Applicant/Commission Discussion: Mr. Tissue added the proposed materials will match the portions of the trail that have already been constructed. The main trail will be the terra cotta color; any trail off shoots will be gray. No additional comments by the commission.

**MOTION:** (George/Carroll) Mr. Chairman, I have inspected the project plans and the property in question and if constructed in accordance with these plans, the project is compatible with the character of the district for the reasons that materials are generally in harmony with the Architectural Design Guidelines for the Downtown Historic District and the character of the adjoining properties. Therefore, I move that the HDC grant a Certificate of appropriateness to the applicant for Case No. HDC 2021-19.

**DISCUSSION:** Staff recommended that the motion be augmented by stating that the use of the chain link is warranted given the existing chain link that is currently around the Court House which is the location of the project. Both Mr. George and Mr. Carroll agreed to the amendment of the motion.

**ACTION:** APPROVED (Unanimous)

**988 Potomac Avenue – Eric Wyand – Fence, Case No. HDC 2021-20.**

Eric Wyand, property owner, 11238 Eastwood Drive Hagerstown, Maryland, was present.

Staff Report: This property is a B resource in the Oak Hill Local Historic District. This property was formerly used for offices but it is now a house. The applicant is proposing to install a six-foot tall wooden dog-ear-picket-style fence in the back yard. Staff noted that the Design Guidelines recommend fences with a simple flat top and cap board design. Wooden fences must be painted or stained once the wood has seasoned.

Applicant/Commission Discussion: Mr. Wyand has several families interested in purchasing the home; however, they have concerns about privacy and safety for the back yard. He plans to stain the fence. Mr. Wyand said he was willing to remove the pickets and add a cap board and amended his motion to reflect the flat top fence.

Ms. Allen asked if the applicant had considered a more decorative fence, such as a metal fence. Mr. Wyand stated that a decorative metal fence was his first choice but they were backordered and it would be six months out before they would be available. Ms. Allen had concerns about the

visibility of the property and the effect on the streetscape of the closed-in back yard which she believes takes away from the openness of the district. Mr. Bockmiller noted that the application, as amended by the applicant, is consistent with the Design Guidelines. Mr. Carroll said he understood Ms. Allen’s concern but added that the commission has approved these fences in the past. Mr. Wyand pointed out that the fence will be hidden behind existing bushes.

**MOTION:** (Carroll/George) Mr. Chairman, I have inspected the project plans the property in question, and if constructed in accordance with these plans, the project is compatible with the character of the district for the reasons and this application should be amended to include the provision of a flat top be installed on the fence and that after six months the fence shall be stained or painted appropriately, and with those amendments being accomplished then this application will be in harmony with the Architectural Design Guidelines for the Residential Historic Districts and the character of the adjoining properties. Therefore, I move that the HDC grant a Certificate of Appropriateness to the applicant for Case No. HDC 2021-20.

**DISCUSSION:** None.

**ACTION:** APPROVED (ABSTAIN - Allen)

## **WORKSHOP**

None.

## **NEW BUSINESS**

### 2021 Preservation Awards – Potential Nominations.

Staff went over the suggestions from the previous meeting including:

- Mayor and City Council for the comprehensive rezoning of some areas of the Downtown Historic District and the Potomac-Broadway Historic District. The rezoning took the existing development patterns and uses into account by creating the N-MU (Neighborhood-Mixed Use) district.
- Hub City Vinyl on East Baltimore Street – staff investigated and they received an award in 2020.
- Masonic Temple for exterior work.
- South Prospect Street duplex owned by the City of Hagerstown. The building was downsized to a duplex from multi-family.

- Hub Bubbles on South Potomac Street adjacent to St. John’s Lutheran Church. The building has been renovated for a laundromat and a considerable amount of work has been put into upgrading the exterior.

Commission members were in favor of granting awards to the Masonic Temple and Hub Bubbles.

**MOTION:** (George/Carroll) I move to move that forward.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

- Mr. Carroll stated that he has noticed a proliferation of barber shop poles and flashing light signs. Mr. Bockmiller stated that signage and lighting is within the commission’s purview. There are a few that staff is aware of and will be contacting them. Signs on the inside within a certain distance are in the HDC’s purview. Mr. Carroll asked staff for guidance on these types of signs.
- Mr. Carroll recalled that the Maryland Historical Trust’s CLG report asked for a list of training courses that commission members have taken over the reporting period. He stated that there is a large amount of free training available and wants to pursue that. Having members of the commission with those standards would improve the credibility and credentials of the commission. Mr. Gehr suggested the commission should look into group training.

## **OLD BUSINESS**

### **Design Guidelines.**

In the next few months staff will be bringing the Design Guidelines back to the commission for discussion of updates. Staff will send copies out to the new members including minutes from previous discussions to get back up to speed. Several years ago the commission and staff had begun working on updating the guidelines; however, due to certain circumstances they were put hold.

### **Review of Decision and Order for Case No. HDC 2021-11 – 102 South Prospect Street.**

Staff sent out a draft Decision and Order to commission members. The ordinance specifically states that the reasons for denial must be placed into the record and the applicant laid the groundwork for a challenge to the commission’s decision. Since the HDC rarely denies an application, staff had the City Attorney review the Decision and Order and the City Attorney stated that it is legally sufficient. The City Attorney added that it is the HDC’s decision not staff’s

and the commission is under no obligation to adopt it as written. Staff asked commission members for their comments and corrections to the document.

Ms. Allen asked that on page 13 the reference to the garden shed be removed because it is not part of the case at hand. Mr. Bockmiller pointed out that the applicant made reference to the vinyl shed in her argument, as well as other vinyl clad structures in the neighborhood. The shed is a temporary structure. Mr. Gehr suggested a change that the garden shed does not impact this decision and it is a temporary, transitory structure and leave it at that. Ms. Allen recalled that the applicant made a point that she was telling the commission at the time she had the shed approved that she was planning to build a garage at some point and this seemed to indirectly okay that. The commission agreed that the sentence referenced by Ms. Allen should be rewritten based on Mr. Gehr's comments. Staff indicated that he did not include the applicant's argument about the potential for HardiPlank to deteriorate because it contradicted the commission's statement about the HardiPlank material. Mr. Gehr noted that the HDC is open to new materials but vinyl is specifically negated in the Design Guidelines.

- MOTION:** (Carroll/George) Mr. Chairman, I make a motion to adopt this Decision and Order in Case HDC 2021-11 with the changes discussed in the meeting.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

**New Baseball Stadium.** Mr. Carroll asked if the HDC would have any design purview when plans are submitted for the new baseball stadium downtown. Mr. Bockmiller stated this is a private venture and the proposed location is not within a historic district. Mr. Carroll believed the HDC should have some input to ensure the project does not adversely impact the downtown. Mr. Bockmiller said that as a wholly a private enterprise, the City would be involved only through zoning (site plan, subdivision plat) and building permits.

**ANNOUNCEMENTS**

Mr. Bockmiller reminded commission members of the City's ongoing security upgrades. The department now has a cell phone number that members can call if they are running late for a meeting so they can be let into the building. Mr. Gehr suggested that staff text board members so they can get the department cell number into their phones.

**ADJOURN**

It was moved and seconded that the meeting adjourn (5:29 p.m.).

5/13/2021  
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Approved

  
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Debra C. Calhoun – Secretary