

**Michael Gehr, chair, called the meeting to order at 4:30 p.m. on Thursday, October 31, 2013, 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, C. Davis, V. Hrabal, and S. Silas. S. Bockmiller, Development Planner/Zoning Administrator; and D. Calhoun, Secretary, were present on behalf of the Planning and Code Administration Division.**

**APPROVAL OF MINUTES: September 26, 2013.**

**MOTION:** (Silas/Davis) Motion to approve.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**CONSENT AGENDA**

**111 West Washington Street – Charles Bailey – Sign, Case No. HDC 2013-47.**

**4 East Franklin Street – Yumminess Bakery & Café – Awnings and Façade Grant, Case No. HDC 2013-52.**

Mr. Bockmiller clarified that the applicant in Case No. HDC 2013-47, Charles Bailey, is proposing to use a different bracket than what was initially approved. In Case No. HDC 2013-52, the applicant, Yumminess Bakery & Café, is proposing to reinstall framework that was found in the basement for the few windows that currently do not have awnings.

**MOTION:** (Hrabal/Davis) Mr. Chairman, I have reviewed the materials submitted in Cases HDC 2013-47, HDC 2013-52, and grant application for HDC 2013-52, their associated staff reports and recommendations, and I have viewed the properties in question. The staff reports recommend approval of these applications as consistent with the applicable standards adopted by this commission, and no one has appeared at this hearing with concerns about issues with or objections to these applications. Therefore, I move that this commission adopt the staff evaluations and recommendations in these cases as its own and grant Certificates of Appropriateness to the applicants for Cases No. HDC 2013-47 and HDC 2013-52, and grant application for HDC 2013-52.

**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**DESIGN REVIEW**

**32 North Potomac Street – M & T Bank – Fencing, Case No. HDC 2013-49.**

Jonathan Kerns, City of Hagerstown, Community Development Manager; George Salvio and Conrad Shafer of M & T Bank, Williamsport, Maryland, were present.

Staff Report: This building is an “E” resource in the Downtown Local Historic District. Applicant and the City of Hagerstown are proposing to replace a deteriorated chain link fence with 98 linear feet of decorative black metal fencing and 34 linear feet of vinyl privacy fence. Black metal fencing will be installed from the alley toward the bank building and will be approximately six feet tall. Vinyl fencing will be approximately six feet tall and will extend from the building and connect to the ornamental metal fence. Staff suggested that M & T attempt to find vinyl fence that is a neutral color such as cream, rather than the stark white vinyl. Privacy fencing is desired to provide privacy for the building’s tenants and to screen the bank’s utility equipment from adjacent properties.

Mr. Bockmiller stressed that this project is being undertaken by M & T Bank as a courtesy – at the City’s request – to replace 132 linear feet of deteriorated chain link fencing. While vinyl is not a recommended material in the historic district, the applicant desires to use vinyl due to maintenance reasons for the 34 feet closest to the back of the building. It will be mostly obscured due to grade and existing shrubbery. The vinyl portion is not visible from any public streets and only marginally visible from parking lots. The applicant could replace the fence in-kind with chain link fencing without HDC review. The building itself is an “E” resource. Given these unique conditions, deviation from the recommendation of the Guidelines is warranted. Staff recommended approval of the application.

Applicant/Commission Discussion: Mr. Kerns noted that the City of Hagerstown has undertaken renovations to the adjacent building at 36-40 North Potomac Street. There are decks on the City’s building and the City would like to provide privacy for tenants of the building, hence the bank’s inclusion of a privacy fence near the building. M & T Bank requested see-through fencing near the drive-through lanes for security reasons.

Ms. Hrabal stated that she was agreeable to the ornamental metal fence near the alley; however, she was opposed to the vinyl privacy fence near the building. She would prefer to see painted wood at this location which she believed would be more in keeping with the Design Guidelines. Mr. Gehr pointed out that the location of the proposed vinyl fence has limited visibility. Ms. Hrabal stated that the guidelines specify that vinyl is not appropriate in an historic district. Ms. Davis stated that she understood Ms. Hrabal’s concerns; however, the primary structure is a noncontributing resource. Mr. Bockmiller added that HDC applications are reviewed, and standards applied, on a case-by-case basis based on the unique circumstances of a property and a proposal. He noted that if the commission should decide to approve the application with the vinyl

privacy fence, the motion should be worded to make it unique to this property (i.e., the primary structure is an “E” resource, the limited visibility) to avoid precedent for other properties around the city.

**MOTION:** (Silas/Davis) So moved.

**DISCUSSION:** Mr. Gehr noted that motion should include reasons why vinyl was permitted for this particular fence, such as the structure is noncontributing; the vinyl fence is located in a limited viewing area; the vinyl fence is a replacement for an existing chain link fence; and the topography) Mr. Silas and Ms. Davis agreed to the amendment to the motion.

**ACTION:** APPROVED (YES – Allen, Davis, Silas; NO - Hrabal)

**417 North Locust Street – Brian Farris – Sunroom, Case No. HDC 2013-50.**

Brian Farris, 417 North Locust Street, Hagerstown, Maryland, was present.

Staff Report: This building is a “B” resource in the Potomac-Broadway Local Historic District. The applicant proposed to enclose an existing covered rear porch with framing covered with CertainTeed MainStreet vinyl siding, salvaged vinyl six-over-six (1) and four-over-four (8) windows with interior grilles, and one 15-light vinyl door. The four-over-four windows will be installed in four groups of two. Because of the number and size of the windows, the total amount of vinyl siding will be approximately 100 square feet. The white vinyl siding will match existing vinyl siding on the front and side dormers. Applicant has provided photographs that depict the visibility of this addition from North Locust Street, East North Avenue, and from the alley to the rear of the property. Given the distance and the limited visibility from the street, its status as new construction, the visibility of only one side from public ways, and the very limited amount of siding visible from public ways, staff recommended approval.

Applicant/Commission Discussion: Mr. Farris stated that he did not realize he is in an historic district. Since he moved into his home 15 years ago, the neighborhood has deteriorated and he would like to gain a measure of privacy in his back yard. He had the proposed windows leftover from another job. The siding matches the existing siding on the front and side dormers. There is approximately 60 feet from the sidewalk to the back corner of the house and from East North Avenue it is about 140 feet. There are no alleys behind the house and nowhere from any corner of his property is there an alley within 100 feet. The deck was existing when he purchased the property. Ms. Allen asked about a “ripple effect” that occurs when one property owner builds out a property to the maximum limits allowed. Mr. Bockmiller stated that type of thing is covered by zoning and required setbacks. In this instance the required rear setback is 35 feet. The HDC can consider issues like this when a visible addition is proposed. Mr. Gehr noted that this instance is a change to an existing, nonconforming structure.

- MOTION:** (Hrabal/Davis) 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 the materials, although they are vinyl, and we do not want to make this a precedent-setting acceptance of vinyl materials, that due to the setback from public ways and the limited amount of vinyl that could even be seen from limited public ways, the fact that the structure is an addition to an historic building and the windows would not be distinguishable from such a distance, that they are vinyl and that would make it generally in harmony with the Architectural Design Guidelines for the Residential Preservation Design 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. 2013-50.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

**13-15 South Potomac Street – Washington County Public Schools – Alteration, Case No. HDC 2013-53.**

Boyd Michael and Mark Mills were present on behalf of Washington County Public Schools, the applicant.

Staff Report: This building is a “B” resource in the Downtown Local Historic District. The property owner has been approached by the Barbara Ingram School for the Arts (BIFSA) about painting a mural on plywood that will be placed over both storefronts (not including the entry door in the middle). The purpose of the covering is to deter trespassers in the alcove on the right side of the building which is unoccupied at this time. No image was provided that shows the intended graphic scene proposed by the BIFSA students. Although the covering is intended to be temporary, no timeframe was provided for how long it will remain in place. Staff recommended approval, with the addition of a piece of trim wood across the top to inhibit water infiltration into the open lamination on the top edge of the plywood.

Applicant/Commission Discussion: Mr. Michael told the commission that BIFSA is interested in improving the appearance of the building, which has deteriorated recently. Ms. Hrabal asked what the proposed mural would depict. Mr. Michael stated mural design would most likely blend in with the surrounding area and will probably be driven by the requirements of the Fire Marshal. The board will extend from the sidewalk up about 14 feet to a piece of molding. Mr. Gehr asked that before the mural is painted on the board that the concept design come back to the HDC for review. Ms. Hrabal asked if this project would be eligible for a façade grant. Mr. Bockmiller will check with the Planning Director to see if it would meet the façade grant qualifications. Mr. Gehr asked if any consideration had been given to closing up the openings where the balconies used to

be located. He is concerned about water penetration in these areas. Mr. Michael stated that the School Board does not own the building, so he cannot make promises about the balcony openings. Another reason for covering the opening is for the safety of the students. Vagrants are squatting in the alcove early in the morning when students are arriving for class.

**MOTION:** (Hrabal/Davis) 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 it is temporary and intended to improve the safety and appearance until the building in question is improved permanently, the materials being wood and painted are appropriate for the district. The top should have some sort of finish and molding at the top to keep the water off the face of the mural. No windows would be left open but the doorway in the center would be left open to satisfy the Fire Marshal requirements. We would ask that we see a design concept before the painting is actually begun, and that would make it 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. 2013-53.

**DISCUSSION:** No mention in the motion will be made about a possible grant. If this project is eligible for a grant, the commission can vote on the grant application when the painting concept is presented.

**ACTION:** APPROVED (Unanimous)

**WORKSHOP:**

None.

**NEW BUSINESS:**

- Ms. Hrabal asked that the City not suggest vinyl as a material. Mr. Bockmiller clarified that the City staff did not suggest vinyl; M & T stipulated vinyl for the privacy fence in return for their cooperation and funding of the improvements.
- Ms. Davis would like to get the word out to realtors about the City's historic districts and all that entails. Mr. Bockmiller said he speaks to realtor groups about once every two or three years and makes sure to mention the historic districts; however, it tends to not sink in.

**OLD BUSINESS:**

- Text Amendment for Economic Development – Mr. Bockmiller stated that there is one more level of review before the amendments will be in front of the commission for review.
- Ms. Hrabal stated that John Wesley United Methodist Church is putting covers over their stained-glass windows and suspects that the material is Plexiglas.
- Regarding a concern raised at the last meeting, Mr. Bockmiller checked out the work that was done to the porch at 442 North Potomac Street. As far as he could tell, the work that was done was strictly maintenance and he did not see any significant changes from prior conditions.

**ANNOUNCEMENTS**

- Mr. Gehr noted that at the site of a recent fire on Potomac Avenue, he did not see much exterior damage. Ms. Allen added that she talked to some of the neighbors and they seem to think most of the damage was on the interior. Mr. Bockmiller stated that he is networking with the Fire Marshal and keeping an eye on it. Permits will be necessary for any repair work.
- Ms. Davis announced that she will be traveling and unavailable for the November 14 meeting.

**ADJOURN:** It was moved and seconded that the meeting adjourn (5:15 p.m.).

12/12/2013  
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Date

  
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Debra C. Calhoun – Secretary