

Michael Gehr, chair, called the meeting to order at 4:34 p.m. on Thursday, June 8, 2017, 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. Crumrine, C. Davis, S. Kreiger, S. Silas., and M. Wertman. S. Bockmiller, Development Planner and Zoning Administrator; and D. Calhoun, Secretary, were present on behalf of the Planning and Code Administration Department.

**REVISION TO AGENDA:**

Regarding moving Case No. HDC 2017-27, 822 Hamilton Boulevard, to the Consent Agenda:

**MOTION:** (Wertman/Davis) I so move.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**APPROVAL OF MINUTES:**

None.

**CONSENT AGENDA**

**1006 Hamilton Boulevard – Matthew Seifarth – Rear Porch Addition,  
Case No. HDC 2017-25.**

**822 Oak Hill Avenue – Will Johnson – Fence, Case No. HDC 2017-27.**

No one was present at the meeting with concerns about this case; commission members had no comments or concerns. For the record, Mr. Gehr noted that the windows in Case HDC 2017-25 do not have muntins; and the fence in Case HDC 2017-27 would need to be stained or painted once the wood has seasoned.

**MOTION:** (Davis/Silas) Mr. Chairman, I have reviewed the materials submitted in Cases HDC 2017-25, 1006 Hamilton Boulevard, and HDC 2017-27, 822 Oak Hill Avenue, and 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 the previously mentioned cases.

**DISCUSSION:**

None.

**ACTION:**

APPROVED (Unanimous)

**DESIGN REVIEW**

**19 South Potomac Street – BFM Architects, Inc. – Demolition of Existing Building (Phase I Review), Case No. HDC 2017-26.**

Mr. Gehr recused himself from the discussion and vote on this case. The vice chair, Christina Davis, assumed the chair.

Aaron House, 473 North Potomac Street, Hagerstown, Maryland, was present. Mr. House is vice president of Bushey Feight Morin Architects and project architect for the project at 19 South Potomac Street, known as the Bowman Urban Educational Complex.

Staff Report: The Edison Building is a “B” resource in the Downtown. Mr. Bockmiller read the staff report into the record. The applicant proposes to demolish the “Edison Building” located between the Maryland Theatre and the Barbara Ingram School for the Arts (BISFA) which is located in the former Henry’s Theater Building to accommodate the construction of a new building for the Board of Education which will connect to BISFA and the Maryland Theatre. This application is for demolition, including provision of the necessary requirements for a “Certificate of Hardship” for the building “not being in the best interest of the majority of the persons in the community.”

Proposed elevations (subject to adjustment and revision) have been included with this application for HDC feedback. Staff stressed that the application before it is not for final approval of the design of the new building. This process is the first step of a two-step process. In this step, the applicant is seeking preliminary approval of the demolition and a conceptual review of the proposed elevations.

The Edison Building was constructed circa 1923 and consists of commercial space on the first floor and apartments on the upper floors that flank a center hallway. The building has been vacant and unused for several years. The upper floors have been vacant for 20 or more years. Repairs that began about 10 years ago halted, affecting the balconies on the front of the building. The store fronts have been modified over time. The building is constructed to the front property line as are most buildings on this block.

The applicant is seeking a Certificate of Hardship using the “Deterrent to a major public improvement program” criteria (see Land Management Code, Article 4, Section T.4.c(2)(a) and

(b)). They are not applying for approval using the “Major Economic Development Opportunity” (MEDO) standard. The HDC’s adopted standard procedures for review using this standard are described as follows (staff comment in underlined italics):

1. The applicant will submit a design review application to the Historic District Commission for “demolition of a building in order to construct a new public project that is a major improvement program of substantial benefit to the city.” An application has been submitted and has been deemed complete for review by the Zoning Administrator. The application contains narrative explaining how the building cannot be adaptively reused for BISFA’s needs, making new construction necessary.
2. The application will be accompanied by:
  - A. Conceptual drawings of the proposed replacement development for the HDC’s advice and comment before moving to detailed design. Conceptual elevations of all four facades are provided. Part of the northern side façade will be visible from West Washington Street through the courtyard adjacent to The Plum restaurant. The rear of the building will only be visible from alleys. There will be a pedestrian walkway between this building and the newly expanded Maryland Theatre, and as such, only the first few feet of the southern side façade will be visible from public ways.
  - B. A narrative explaining why the existing building cannot be retained as part of the new public improvement project, citing any necessary factors the applicant wishes the HDC to consider in its review. Examples of such factors might include 1) structural insufficiency of the building to meet modern codes for floor load for the proposed use; 2) problematic floor plates for the needs of the proposed use; 3) incompatibility of floor plates with adjacent buildings (when buildings will be combined); and 4) inadequacy of space in the existing building that cannot be effectively added to. The applicant has provided proposed floor plans of the building for each floor. The necessary layout of dining hall, classroom space and other needs of the academic use cannot be accommodated within the structure due to the central staircase, load bearing walls, floor height ratios compared to adjacent buildings, and code limitations. A narrative prepared by the project architect cites engineering and building code issues that preclude reuse of the Edison building for the intensive use and loads that current building codes will require this space to be designed to adhere to, as well as other justifications for why this building cannot be adaptively reused for this development.
  - C. Preliminary evidence of funding of the project by public agencies. The project is being developed by Bowman Development Corporation with the intention of moving it to public ownership upon completion. The Washington County Board of Education has committed \$4 million to the project, as has the Washington County Commissioners. The Governor’s office has pledged funds for this project in the amount of \$2.5 million, for a total of \$10.5 million at this time. Washington County, the Washington County Board of Education and

the City of Hagerstown are aggressively pursuing grant funding and other sources for the project.

3. The applicant meets with the HDC and presents its case for the demolition. If the HDC finds that the development is a “Major Improvement Program” as described in the Zoning Ordinance, the HDC will provide a conditional approval of the demolition, with the condition that the demolition permit not be signed by staff until final HDC approval of the replacement project has been obtained and the applicant provides documentation to the HDC that the public funding necessary to execute the project is in place. The HDC may provide feedback to the applicant regarding the conceptual elevations provided at this phase to help guide the applicant in the design of the replacement building. With this conditional approval in place, the applicant can be comfortable expending resources to complete final designs of the replacement project. The Zoning Ordinance sets the following standards for review:

Standard for determining that preservation of a site or structure will be a deterrent to a major improvement program which will be of substantial benefit to the city or will not be in the best interests of the majority of the persons in the community:

- (a) The project is funded in the Capital Improvement Plan and Budget of the City of Hagerstown, the County Commissioners of Washington County (including the Washington County Free Library), the Washington County Board of Education (educational and administrative facilities only), the State of Maryland or the federal government, and the government agency has complete designs for the capital project; Conceptual designs are part of this application. If the applicant demonstrates that the building cannot be retained as part of this project, and is granted conditional approval of the demolition, they will come forward at a later date for formal approval of the demolition which will be tied to formal approval of the final design and planned construction of the project. This project is a public-private partnership that is receiving public funding from the State of Maryland, Washington County and the Washington County Board of Education. Although not contributing capital funds, the City is also assisting with this project through grant writing and other efforts.

Or

- (b) The site or structure is incompatible with the Comprehensive Plan’s goals for the enhancement of that neighborhood and the community in general; The applicant has provided floor plans of the planned development showing how it will function. Narratives regarding how the proposed development implements the goals of Hagerstown’s Comprehensive Plan, as well as the Community’s City Center Plan and the 2012 Sustainable Community Plan will be provided at your meeting which will be comparable to the justifications that were provided in the recent similar application requested by the Maryland Theatre.

Or

- (c) The HDC receives what it determines to be a satisfactory and detailed recommendation from the City Administrator or his designee in support of a project that is a bona fide Major Economic Development Opportunity, approved as such by the City Administrator or his designee after application of the then current standards established by the City. This standard is not applicable to this case, nor is the applicant seeking approval based on this standard. However, it should be noted that the intention of this project does address this standard's objective to promote selected projects which will be major generators of foot traffic and employment opportunities in the City Center area.
4. The HDC's authority to review the design of new construction is unaffected by this process. Once final building elevations are completed by the project architect, the applicant will submit a design review application for the site work and building elevations as if the existing building does not exist. New construction shall comply with the HDC's Design Guidelines for new construction. The HDC will review the new project for consistency with the Guidelines for new construction. Once the HDC is satisfied that the plans meet the Guidelines and sufficient documentation is provided showing that the public funding is in place to complete the project, the HDC will approve the design review application for the new work. Complete internal plans are not required as the HDC has no authority over the interior of the replacement project. Complete plans will be forthcoming in Step 2 of this process. Conceptual elevations have been provided for the Commission's review and comment before the applicant moves onto final design. Staff has reviewed the conceptual plan and finds that it is consistent with the Design Guidelines as it relates to new construction. Its height is consistent with adjacent buildings. The rhythm of window and door openings is consistent with design guidelines and similar to nearby historic and planned new construction buildings, and masonry is the predominant façade material. It is clearly a building of its time (first quarter of the 21<sup>st</sup> century) while effectively fitting within the character of the district. Although this concept is subject to adjustment as it moves to final design, Staff believes that if elevations based on this concept are submitted for final approval, staff will recommend that it be approved.

Part of the plan includes a short, enclosed bridge that will connect an upper level of this building to the planned expansion of the Maryland Theatre, bridging the walkway that will be between the buildings. It will be recessed into the alley and will have marginal visibility from South Potomac Street.

Provided the plan consistency material is provided to you at your meeting and is consistent with the Maryland Theatre's application, staff believes that this application is sufficiently complete and detailed in its supporting documentation for the Commission to make a determination regarding a Certificate of Hardship conditional/ preliminary approval of the planned demolition of the Edison building, and to provide preliminary design feedback to the application on the replacement structure.

The existing walkway between the Maryland Theatre and the Edison Building will remain. A portion of the south elevation is visible from a public way. This building needs to sync with the buildings on either side (BISFA and Maryland Theatre). If the Edison Building was retained there would need to be switchbacks. Staff recommended approval.

Applicant Presentation: Mr. House stated that the building was originally designed as an apartment building in 1923. He did look into retaining the building and reusing it as a classroom structure; however, during the analysis he ran into issues with the bearing walls. Mr. House determined that the bearing walls would limit the use of the space as classrooms since the way the roof is designed, the walls on the upper levels act as load bearing walls. Per his conversation with the structural engineer on the project and research of residential buildings from the 1920s, the floor load would be approximately 20 pounds per square foot. Classrooms of this era were built for a recommended design load of 60 pounds per square foot; 2017 design loads are between 80-100 pounds per square foot. This would have structural impact on the building if it were to be adapted.

The second item identified in letter are the floor-to-floor heights. The existing building has a 10-foot floor to floor height. In 2017 the preferred floor-to-floor height is 15 feet; they also like to allow 30 inches for HVAC, data, etc. to run between the floors. Those factors were identified when they began to look at this project. Regarding retaining the façade, the floor lines between the buildings do not match up. With the proposed classroom building, looking at the connectivity with this building and the MD theatre, BISFA, and University of MD. This project would be the kingpin where all the projects meet up. The 15-foot floor heights were adjusted slightly to help match up with the Maryland Theatre's proposed expansion and the Barbara Ingram School for the Arts. If the façade was retained there would be concerns about the structural integrity during and after construction, including a massive effort to support the façade temporarily during construction and to permanently attach the new building.

Stabilization and restoration of the façade would cost approximately \$400,000 to \$500,000. Maintaining the façade to build a classroom building behind it would require the design to create between four and eight feet of space behind the facade which would reduce the square footage on each floor for classroom space by about 320 square feet.

The code requirements to maintain the existing building would involve a significant amount of money to meet current energy codes because the south wall is on a property line which is considered a party wall. A fire wall would also be required.

Mr. House summarized that even by today's standards, bringing the existing building up to current codes and design guidelines would be difficult for an apartment building, let alone a classroom building.

Commission/Applicant Discussion: Ms. Wertman questioned why the applicant has not considered an artistic faux façade. She was not convinced the façade needs to come down and was in favor of keeping the look of downtown as historic as possible.

Mr. House provided commission with a supplemental sketch that overlays the building section and the existing elevation. This drawing demonstrates where the openings fall within the proposed floor levels. To answer Ms. Wertman’s concerns, Mr. House explained the reasons why the floor levels will not match up. Ms. Allen asked if the façade could be retained with blacked out space behind the glass. Ms. Kreiger noted that most of the classrooms are windowless.

Mr. House explained that the building will not be used exclusively by BISFA—other boutique schools will be using this space. Mr. Bockmiller added that the façade wraps around the sides and which makes it difficult to determine how much of the existing wall would be kept around the sides. Ms. Allen asked about whether options for an atrium space with a staircase to the different floors was considered. Mr. House indicated that an atrium was not considered. Given the amount of floor space and program space required (the property is only 40 feet wide x 230 long) they must use the space in the most efficient way possible. They designed a connection at the rear of the BISFA building that will connect to the Edison Building—this is a key component. Another key component is the skywalk connection from University System of Maryland Hagerstown (USMH) project on West Washington Street and the adjacent Maryland Theatre. All connection points have been taken into consideration. Mr. House explained the skywalk system. Mr. Bockmiller pointed out two issues about preserving the façade: First, “facadectomies” are expensive and small rural cities do not usually use this method due to the cost in relation to overall project expenditure and land value. Second, this project is not fully funded yet. There will be a funding gap and there may not be extra funds to use toward stabilization of the building.

Public Testimony:

For the record, Mr. Bockmiller entered letters of support from Hager 5 LLC, the City’s Economic Development Director, the Hagerstown/Washington County Chamber of Commerce, and Taylor Bowen, into the record by reference.

**Jill Frick, Director of Community & Economic Development, 14 North Potomac Street, Suite 200A, Hagerstown.** Ms. Frick encouraged action to grant the applicant’s request for the Certificate of Hardship for the reasons that the BISFA expansion project is a key part of the City’s 10-year City Center Plan that calls for \$125 million in new investment into the downtown over a 10-year period. Additionally, this project is a part of the urban improvement project which has significant public benefit and public investment. The school project is a cornerstone of the City’s state-designated Arts & Entertainment District and the state-designated Main Street Hagerstown district. Ms. Frick summarized points from the letters submitted: Taylor Bowen, a small local developer, recently completed the Patterson Hotel Project. There are times when preservation of historic structures is not feasible and can impede the growth of a community. Michael Fitzgerald was present to provide public comment, but had to leave the meeting. He asked Ms. Frick to pass

on his support of granting the Certificate of Hardship. Mr. Fitzgerald owns the Professional Arts Building on Public Square and other buildings in the historic district.

The public testimony portion of the meeting was closed.

Commission Discussion (Continued): Commission members requested that Dr. Paula Reed’s comments be entered into the record (copy in the meeting file). Dr. Reed had concerns about removing a large section of the South Potomac Street streetscape (this includes the McBare Building further south on Potomac Street). Dr. Reed also asked about whether the historic façade wall and roofline could be retained. She pointed out that since federal and state funds will be involved, the developer will be required to go through the Section 106 compliance requirements and mitigation. The building is already listed in the National Register of Historic Places.

Ms. Kreiger asked how far the new Maryland Theatre lobby will extend in relation to the Edison Building site. Mr. House stated that the lobby of this building will come up to the sidewalk whereas the Maryland Theatre will be set back approximately ten feet. Ms. Kreiger noted that there would be no “side scape” on the south side of the Edison Building property. She said she was not convinced that the façade could not be retained unless it is a financial hardship. Mr. Bockmiller stated that the new Maryland Theatre lobby will be setback about ten feet which would expose approximately 15 feet of the south wall on the Edison property.

Ms. Wertman had no issues with moving forward with the vote on the Certificate of Hardship as long as the façade design will be addressed at a later time. Mr. Bockmiller surmised that the commission had no concerns about the demolition in general. He recommended that the architect give the commission details on the façade design so the HDC can provide feedback on the design. The commission can strongly recommend that the design team research retaining the façade. The next step will be the demolition application and demonstrating that the developers have funds to complete the project.

**MOTION:** (Wertman/Kreiger) Madam Chair, I move that we approve the Certificate of Hardship as it has been presented as retaining the building would not be in the best interests of the downtown, improvement plans of the (inaudible) 2017-26 on 19 South Potomac Street and that the applicant has met all of the requirements that they need to put in front of this body so we can make this decision.

**DISCUSSION:** Ms. Allen asked that the motion be amended to recognize the economic factors of city, county and state monetary contributions as justification for meeting the Certificate of Hardship criteria and the physical difficulties of the building associates with the floorplate. The approval would also be subject to the condition that the developer comes back with plans for approval and demonstration that their funding is in place. Ms. Wertman and Ms. Kreiger were agreeable to the amendment to the motion. None.

**ACTION:** APPROVED (Unanimous)

Commission members discussed the project design in order to provide guidance to Mr. House on how to proceed with the design phase of the project.

Mr. Crumrine said he was convinced that the floor plans will not match up between buildings. Preservation of the façade will alter it to the point that it will not be the same. As with any new design, defining characteristics (mansard roof, balconies) should be included in the new design.

Ms. Kreiger recalled that on past Certificates of Hardship commission members received copies of financial reports indicated that rehabilitation was not feasible. Without those reports, Ms. Kreiger did not feel comfortable making a determination as to whether saving the façade is feasible or not. (Mr. Crumrine left the meeting.) Rob Faree, President of Bowman Development. With regard to the discussion about façade, Mr. Faree stated that Mr. Bowman originally wanted to save the façade. Three contractors have already looked at these plans and all three told Bowman that this project would be difficult to build in the tight space, along with the Maryland Theatre expansion project. There are also budget considerations in that they need to come in with the lowest price possible and produce the best usable building for the school system. They are building this project to a commercial standard rather than a school standard, which is breaking ground in the eyes of the state. Mr. Faree believed that they will be able to meet their funding goals; however, every additional cost will make that more difficult. The project needs to be bid and designed in that the school board would like to occupy the building by fall of 2019. Mr. Bowman has plans for other downtown projects, namely the Masonic Lodge on South Potomac Street. The plan is to keep that façade.

Ms. Wertman asked if it would be possible to incorporate existing building elements in the new building. Mr. House indicated that to a certain extent that might be achievable, however, he would need to look at the size and the scale of elements of new design and to look at the quantity and quality of what is there. They can look at elements to keep.

Mr. House noted that in the packet there is a hand sketch of the proposed building. There will be an increase in building height compared to the BISFA building. The two-story element shown would be a glazed opening with a panel similar to the BISFA façade but at a different scale and it would take the new buildings floor elevations into consideration. The base of the building would be stone with precast concrete for heads of windows and a residential scale for the windows.

Staff recommended approval and that the HDC not direct the developer to explore a complete retention of the façade. Commission members agreed.

## **WORKSHOP**

None.

**NEW BUSINESS**

Mr. Bockmiller reported that the Maryland Theatre has applied for a variance to increase the front setback of the new lobby. In the City Center Mixed Use (CC-MU) zoning district, new buildings are expected to be built to the street wall. The Theatre is requesting a variance for permission to build farther from property line so patrons are not exiting the building directly on to the sidewalk. The HDC was agreeable to sending a letter of support to the Board of Zoning Appeals on this variance request.

Mr. Bockmiller announced a workshop at the Washington County Free Library on Friday, June 9, at 1:30 p.m. for the whole urban improvement project as it relates to state funding. Commission members asked if minutes from the workshop could be provided to Commission members for review. Mr. Bockmiller stated that to avoid issues with ex parte communication, fewer than four members should attend. No one from the commission indicated that they would be attending the workshop.

Mr. Gehr re-assumed the chair.

**OLD BUSINESS**

Staff is working on the Design Guidelines as time permits. Mr. Bockmiller is hoping to have a draft to the commission for review in six weeks.

Mr. Gehr and Ms. Allen are attending the Maryland Historical Trust workshop on Saturday, June 10.

**ANNOUNCEMENTS**

Mr. Gehr commented on the Stone House Square project, across from the Longmeadow Shopping Center, that the developer saved the historic farmhouse. It sticks out but is nicely done, however, applying that principle may be more detrimental to the building. Commission members discussed the historic context of the farmhouse and that project in general. (Ms. Wertman left the meeting.)

**Historic District Commission  
MINUTES**

**June 8, 2017  
City of Hagerstown, Maryland**

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**ADJOURN**

It was moved and seconded that the meeting adjourn (6:00 p.m.).

8/10/2017  
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Approved

  
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Debra C. Calhoun – Secretary