

**Historic District Commission
MINUTES**

**August 9, 2018
City of Hagerstown, Maryland**

Michael Gehr, chair, called the meeting to order at 4:31 p.m. on Thursday, August 9, 2018, in the Conference Room, Fourth 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 C. Crumrine, C. Davis, Dr. P. Reed, S. Silas, and M. Wertman. S. Bockmiller, Development Planner/Zoning Administrator; and D. Calhoun, Secretary, were present on behalf of the Planning and Code Administration Department.

APPROVAL OF MINUTES: July 26, 2018:

MOTION: (Wertman/Davis) I move to approve.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

CONSENT AGENDA

474 North Potomac Street – Lynne Cueto – Fence, Case No. HDC 2018-28.

No one was present in the audience with comments or concerns about these cases.

MOTION: (Davis/Wertman) Mr. Chairman, I reviewed the material submitted in Case HDC 2018-28, 474 North Potomac Street, for a fence and its associated staff reports and recommendations, and I have viewed the property in question. The staff report recommends approval of this application 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 this application. Therefore, I move that this commission adopt the staff evaluation and recommendation in this case as its own and grant a Certificate of Appropriateness to the applicant for Case HDC 2018-28.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

DESIGN REVIEW

66-70 West Washington Street – Polar, LLC – Demolition, Case No. HDC 2018-29.

Adam Carballo, architect for the applicant, 1816 Aliceanna Street, Baltimore Maryland, was present on behalf of the applicant.

Staff Report: (A copy of the staff report is in the meeting file.) Applicant proposes to demolish the existing ca. 1830 two-and-a-half story building. The immediate motivation for the demolition

is to remove a building the owner contends cannot be rehabilitated by any reasonable party, and City Code Administration direction to address advancing deterioration and partial collapse of the rear ell of the building. The applicant does have plans to construct a new structure on the property, however, their plans are not ready to be submitted as a formal proposal.

The applicant proposes to treat the site by:

- Filling and grading the foundation footprint with gravel;
- Installing a six-foot tall, black ornamental metal fence between the front right corner of 72 West Washington Street and the front left corner of 60 West Washington Street. Chain and bollards will be installed between the existing paved area to the rear of the building and the graveled footprint to prohibit casual expansion of the existing parking area for additional parking without site plan approval. The existing paved area will continue to be available for parking in the interim.

Staff had no recommendation on this application and noted that demolition of an “A” Resource is one of the most deliberative decisions a historic district is requested to make. However, in this case, the applicant has already met with the commission in several workshop sessions concerning the demolition and has expressed no objection to the demolition of the rear ells given their condition and lack of visibility from a public way. The commission has expressed concern with the demolition of the front part of the building unless plans were firmly in place for the replacement building in order to avoid creating a “hole” in the streetscape for an open-ended period of time. The commission’s discussions seemed to indicate an acceptance by the membership that rehabilitation of the building is not achievable. The main concern was requiring the existing front section to remain if it can be made physically secure, pending approval of the replacement building in order to maintain the streetscape. The Land Management Code does not have a provision requiring plans for the replacement building to be attached to a hardship demolition application.

An extensive photo inventory was included with the application by the applicant’s engineer, Merle Saville, P.E., documenting the condition of the building. The engineer’s conclusion is that rehabilitation of the building is not financially reasonable, although specific numbers were not provided. The one ell is in a state of near collapse. In previous discussions the HDC expressed little concern with these two parts of the building since they are not visible from West Washington Street. The second ell is advancing to a comparable condition. Even though it is not within the purview of the HDC, staff noted that the interior has been gutted with little in the way of historic elements remaining. The only visible historically significant material remaining is the second floor of the front facade, the roof line, and chimney stacks.

Staff consulted with Pamela Harris, Building Inspector, while preparing the staff report. Ms. Harris is the staff member pursuing the property maintenance issues with the property owner. She indicated that she had not been in the front portion of the building, however, she reviewed the photographs provided by the applicant’s engineer, and observed that the center part of the rear wall of the main building is compromised due to material deterioration, water intrusion, and

organic growth. This has extended to the rear portion of the load bearing wall which runs down the middle of the first and second floors of the front part of the building and the stairwell. (At this point staff referenced a Google street aerial view of the property to explain the conditions being discussed.) Based on the photographs, Ms. Harris observed that the brick along the base of the load bearing wall is going to powder. She stated that she cannot conclude that the building cannot be salvaged, but she believes Mr. Saville's conclusion is correct that the cost of rehabilitation of this building would well exceed the property's likely market value after renovation if it were to be undertaken. Staff added that it is within the HDC's purview to require detailed documentation to support a financial hardship argument.

Given that there are no assurances as to the duration by which this void in the streetscape will be present before a replacement building is constructed, treatment of the front of the property is important given its presence in the middle of the most important block in the downtown central business district and the historic district. Staff consulted Officer Gerard Kendle of the Hagerstown Police Department, who is trained in Crime Prevention Through Environmental Design (CPTED). The CPTED program promotes design methods that help deter criminal activity. Rather than putting up a plywood wall (the original proposal) indefinitely, Officer Kendle recommended a six-foot tall, vertical ornamental black metal fence in order to maintain visibility into the lot. A plywood wall could hide nefarious activity where the building currently stands. The applicant was advised of Officer Kendle's recommendation and incorporated the ornamental metal fence the application. The graveled area cannot be used for parking until a site plan is processed for redevelopment. As a result, this area will be blocked off with bollards and chains so that the use of the existing parking area will not casually spread to include areas not currently paved with asphalt. The applicant will need to return to the HDC for approval of a specific model and design for the fence.

Staff received an email report from Daniel Matonak, the commission's structural engineer (an ex-officio member). Mr. Bockmiller read the report into the record (a copy is in the meeting file) which corroborates the applicant's assessment of the condition of the building. Mr. Bockmiller entered the staff report and Mr. Matonak's report into the record and noted that the applicant has not provided true numbers concerning the actual costs of fixing up the building.

Applicant/Commission Discussion: Adam Carballo, architect for the applicant, presented a three-part cost estimate for the commission's consideration (copy in meeting file):

- Stabilization of the building (majority of building is not safe to enter) would be approximately \$900,500;
- Renovation costs to make this a habitable structure would be about \$2,047,500; and
- Estimated building valuation of the property based on rental and capitalization rate would be \$1,105,272.

Mr. Carballo added there are many unknowns in stabilizing a building that is this far gone. Many portions of the building have not be accessible for years due to deterioration. The entire front façade was completely redone many years ago and there is nothing in the way of historic

materials left on the front façade of the first floor. On the second floor there are historic brick dormers. Dr. Paula Reed, the commission's architectural historian, noted there is original trim on the dormers and there is remaining early materials on the interior. Concerning a replacement building, Mr. Carballo stated he has been working with the developer on a potential new mixed-use, multiple-story building consisting of commercial and residential units. Mr. Carballo stated that he has experience with older buildings and acknowledged that no one likes to see old buildings come down.

Commission members had several concerns with this project:

- The applicant has been involved with this project for about five years and minimal progress has been made toward stabilization, even though the commission approved an application to demolish the rear ell two years ago. The condition of the property has only worsened.
- Remaining historic materials should be salvaged and donated to a museum. (Mr. Carballo believed Mr. Azadi would be agreeable to this stipulation as long as it is safe to enter the building to remove the items.)
- Length of time it could take the owner of the property to follow through with plans and construction of a replacement building. (Mr. Carballo did not believe it will be a five- to ten-year period that the site will be vacant.)

Dr. Reed noted that this is the oldest building in the downtown core that retains its character. Mr. Bockmiller entered into the record copies of minutes August 27, 2015, and the discussion commission members had with the owner's applicant at the time about the design of a proposed replacement building. Copies of minutes from two other meetings were also passed out for the commission's information.

According to Mr. Carballo there is the potential for the building to collapse, especially the rear ell and the main roof line. Dr. Reed noted that the commission's main concern is the front portion of the building, not the rear. Several commission members expressed concern with the urgent situation of this building when the owner has owned it for several years and done nothing to correct the issues associated with it. Now commission members feel compelled to agree to the demolition because of the safety concerns. This becomes a "slippery slope" to allow demolitions of significant buildings to occur.

Commission members and staff discussed the City's "Demolition by Neglect" ordinance which would apply in this case. However, if this clause is triggered it gives the owner the option to proceed directly to applying for demolition by neglect rather than repairing the building. It could also force the City to decide whether to allocate City funds to make the repairs in the hope that it will be recouped through tax liens.

Sketches of a replacement building that were drawn in the spring of this year were included with the application and there have been modifications since then. Mr. Carballo and the owner will work with staff as that process moves forward.

In order to approve the demolition, the commission needs to determine whether the building should come down and why. The commission can impose conditions that historic materials shall be salvaged, the building be documented, a deed search could be required, and that the applicant state how the site will be treated once the building is removed. Mr. Carballo stated that he certified the numbers and they are accurate for this location and the unique structural situation of this building. Mr. Gehr reviewed the numbers and agreed that they generally appear to be reasonable as to what was been presented. The money spent to fix up the building would exceed the income to be realized within a reasonable period.

Ash Azadi, 9756 Redamar Drive, Hagerstown, Maryland, owner of the property, arrived. Mr. Bockmiller asked Mr. Azadi to address the commission's concern about when the hole in the streetscape would be addressed. Mr. Azadi explained that he is working to finish the Hamilton Hotel project. He could not provide a time frame that may or may not be feasible to meet. They have preliminary designs for the new building to replace the Delta Hosiery building. He advised that the HDC should operate on the assumption that the property will be vacant indefinitely.

Mr. Gehr asked when Mr. Azadi purchased the property. Mr. Azadi stated in 2012 or 2013. Some work was done on the façade approximately five years ago. Mr. Gehr stated that the record shows that Mr. Azadi has been before HDC several times on design concepts and wondered why a building would be purchased without trying to prevent further destruction of the building. Mr. Azadi stated that he could not get a loan, especially for a project in downtown Hagerstown. He added that they now have interest by a lender for the project.

Dr. Reed asked how the property will be maintained if it is going to be an empty gravel lot for over two years. She believed topsoil and grass would be more aesthetically pleasing than gravel. Mr. Azadi and Mr. Carballo stated that would not be an issue. Mr. Gehr agreed that a gravel lot with a fence would not improve the appearance of downtown. Also, in 18 months the developer will be forced to deal with stormwater issues. He also noted that one thing that would help is assurances by the owner that something is going to happen soon, not five to 20 years in the future. The commission needs to see something start to happen on the property. Ms. Wertman cited several major projects downtown that are near this property. A large hole in the streetscape and a gravel lot is not desirable. Commission members need to know that this project is not going stall and be postponed indefinitely. Ms. Davis indicated that she would be more comfortable granting this request if there were plans to attached to it, but understands the financing issue.

With regard to materials that could be salvaged, commission members listed dormers, windows, trim, the eight-panel interior doors, and anything that is left that is worth reusing. Items salvaged should be documented with regard to from which room they were salvaged. These items would be either donated or incorporated into the new building. Documentation of the building should take the form of a Maryland Inventory of Historic Properties (MIHP) form which includes a physical description of the property, historic designation, and property history.
(Dr. Reed left the meeting.)

MOTION: (Davis/Silas) Mr. Chairman, I have inspected the project plans and the property in question, and if demolished in accordance with this plan and a deed search, documentation of historic elements using the MHT MIHP guidelines form to include windows, trim, doors, dormers, and any other material of historic significance, and the use of that in new construction, as well as the construction of an ornamental metal fence with topsoil and grass in the place where the building was, chain and bollards for the parking area, in this project is appropriate because of the safety conditions that exist in the property as it stands in the Downtown Historic District. In addition, with the provision of documentation that the building cannot be rehabilitated, in the manner we have talked about. I move the HDC grant a Certificate of Hardship to the applicant for Case No. 2018-29, 66-70 West Washington Street.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Mr. Bockmiller stated that the applicant needs to file for a demolition permit and disconnect the utilities. They also need to come back to the commission for approval of the design of the fence. Mr. Gehr requested an update on the project when they come in for the fence.

WORKSHOPS

None.

NEW BUSINESS

Motion to Note Staff Approval of Work to Tower Behind Masonic Temple/Bulls & Bears.

At the request of the chairman, commission members moved to formally adopt staff's approval of work on the tower behind the Masonic Temple/Bulls and Bears. Mr. Bockmiller emailed commission members for their consent.

MOTION: (Crumrine/Davis) So moved (to adopt staff's previous approval).

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

OLD BUSINESS

Design Guidelines.

Mr. Bockmiller informed the commission that Megan Flick will be starting work on this project next week.

ANNOUNCEMENTS

None.

ADJOURN

It was moved and seconded that the meeting adjourn (5:58 p.m.).

9/13/2018

Approved



Debra C. Calhoun – Secretary