

**Michael Gehr, chair, called the meeting to order at 4:32 p.m. on Thursday, August 28, 2014, 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 L. Allen, C. Davis, V. Felmet, 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 Division.**

**APPROVAL OF MINUTES – May 8, 2014**

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

**CONSENT AGENDA**

**115-117 South Potomac Street – Dr. Prasad Readdy/Dale Ford – Replacement Windows (Revision to Previously Approved Application), Case No. HDC 2014-09.**

Mr. Bockmiller noted that the commission must approve what is indicated on the application. It cannot approve “or equal” windows; if the applicant decides to use a different model than what is on the application, another design review will be necessary.

**MOTION:** (Davis/Wertman) Mr. Chairman, I reviewed the materials submitted in Case No. HDC 2014-09, for 115-117 South Potomac Street, and its associated staff reports and recommendations, with the caveat that the window named be used, 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 evaluations and recommendations in this case as its own and grant a Certificate of Appropriateness to the applicant for Case HDC 2014-09.

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

**DESIGN REVIEW**

**6 and 12 South Potomac Street – Bridge of Life/Daniel Poyner – Façade Alteration  
(Revision to Previously Approved Application), Case No. HDC 2014-15.**

Daniel Poyner, representing Bridge of Life, 7831 Mapleville Road in Boonsboro, Maryland, was present.

Staff Report: This building is an “E” resource in the Downtown Historic District. Applicant previously received approval for a façade renovation. At this time the applicant is requesting permission to amend the approved application to replace the fypon cornice with brick corbelling in the pattern provided with the application (see meeting file). This substitution is due to the researched cost of the fypon material. Staff recommended approval of the amendment.

Applicant/Commission Discussion: Mr. Poyner told the commission that the same brick and mortar will be used for the corbelling detail as the main façade. Mr. Gehr asked if there will be a differentiation between the two buildings. Mr. Poyner said not at the top, but at the bottom. Mr. Poyner indicated that there is a demarcation line between the two buildings. The same corbelling pattern will stretch across both storefronts. Dr. Reed had no concerns with the proposed revision since it is not what either of the two buildings ever had.

**MOTION:** (Felmet/Silas) 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 used will be appropriate and in harmony with the architectural 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. 2014-15.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**50 Summit Avenue – Leroy Roberts/Advantage Bail Bonds – Projecting Sign,  
Case No. HDC 2014-35.**

Leroy Roberts, 50 Summit Avenue, Hagerstown, Maryland, was present.

Staff Report: This building is a “B” resource in the Downtown Historic District. The applicant would like to install a 30-inch tall by 24-inch wide, two-sided, ½-inch thick plywood board sign. Sign will be hung on the corner of the building near the intersection of West Antietam Street and Summit Avenue on a new metal scroll bracket. Sign will have a white background with blue lettering. Staff recommended approval of the application, as long as the text, “24/7 1-5%

Possible” is removed from the bottom of the sign. Staff noted that this language gets into advertising details of a specific product which is inconsistent with most signage downtown.

Applicant/Commission Discussion: Mr. Roberts provided a drawing that depicts the sign with the language pointed out by staff removed. With that amendment, staff recommended approval.

**MOTION:** (Felmet/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 with the revision, the height, materials, and detailing are 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. 2014-35.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**49 South Potomac Street – Hamada Abusiyad – Replacement Windows,  
Case No. HDC 2014-36.**

Rodrigo Avellaneda, architect for the project, was present on behalf of the applicant.

Staff Report: This building is a “B” resource in the Downtown Historic District. The applicant would like to replace 12 wooden two-over-two windows on the second and third floors of the front façade with “MI Windows and Doors” 1600 Series vinyl windows with true divided lights in a two-over-two configuration. Staff recommended approval, provided the new grille pattern and profile match the existing windows. Mr. Bockmiller noted that it was his belief that the existing windows are original to this building (circa 1890s). Because the windows are on the second and third floors of the building over a pent roof-like structure their details will not be overtly obvious from the sidewalk.

Applicant/Commission Discussion: Ms. Felmet asked if the arches over the windows will remain. Mr. Avellaneda said the arch will remain. Currently there are storm windows that will be reinstalled once the new windows have been put in. Mr. Gehr noted that if the storms are to be reinstalled, Mr. Avellaneda should verify with the manufacturer that storms can be used with this type of window. The sunlight intensifies when it goes through the glass storm window and could result in a breakdown of the material. Mr. Avellaneda said it is his client’s preference to remove the storm windows, but they will be using half screen windows. The windows will be white. Mr. Avellaneda noted the commission approved these windows for another applicant at 57 West Franklin Street. A sample was provided at that time.

- MOTION:** (Felmet/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 materials are acceptable, the configuration two-over-two will be repeated with the new windows, and the general form and proportion 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 2014-36.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

**WORKSHOP**

None.

**NEW BUSINESS**

None.

**OLD BUSINESS**

**Economic Demolition Provision.**

Mr. Bockmiller said staff is hoping to bring this text amendment to the Planning Commission on Wednesday, September 10, at 4:00 p.m., in Room 407, City Hall. HDC members were encouraged to attend the Planning Commission meeting to support the amendments. It was his hope that the HDC could give its stamp of approval before it was forwarded to the Planning Commission for review. Mr. Bockmiller addressed the commission's concerns from the last meeting as follows:

Concerns from last meeting:

**Page 1, Definition of "Major Economic Development Opportunity"**

- The words "or lower" were struck at the end of the second line and beginning of the third line.

- Concern was raised by the commission about the use of the term, “skilled employment positions.” At the staff level it was decided to strike the word “skilled” to make the definition as versatile as possible and gets away from the possibility of having to determine what “skilled” employment positions are.
- Regarding the vagueness of what an “upscale residential unit” is, staff struck the word, “upscale,” and added the language at the end of that sentence “. . . that are constructed to the standards set forth in the Partners for Economic Progress (“PEP”) program.” Mr. Bockmiller distributed a copy of the Eligibility Criteria for the PEP program for residential units (meeting file). He noted that this will not “seal out” developments that are not built to these standards, they just will not be eligible for City funding. The standards are found in #5 of the handout. Ms. Wertman did not believe the square footage requirements shown in #6 are going to attract middle-class tenants. They are very small. Ms. Felmet noted that “solid surface counter tops” are not granite. The only solid surface counter top material is acrylic which is not very durable. She suggested using the words “solid surface or better.” Mr. Bockmiller stated that based on the discussion, the language in #5 should be inserted in the ordinance language. The commission agreed to this change.

Page 3, (4)

- The second paragraph should be struck because the change to the definition takes care of it.

Ms. Allen asked for clarification of how this ordinance would prevent an owner from allowing their property to become derelict and then claiming it is too expensive to rehabilitate it.

Mr. Bockmiller said the commission has a variety of tools available to it that have not been available previously as far as requiring property maintenance. The City’s vacant building registration program will be fortified; the demolition by neglect provision in the ordinance. He does not foresee Ms. Allen’s concern as being an issue.

Ms. Allen recalled that Mr. Bockmiller was going to provide a list of all the A and B resources to HDC members. Mr. Bockmiller stated that staff will produce a map of the affected properties to present to the Planning Commission (and ultimately the Mayor and Council) which will show the entire CC-MU zoning district in context. The map will point out all the A and B resources.

Dr. Reed noted that many of the potential projects will be using state grants, tax credits so the Maryland Historical Trust will be involved; and chances are the buildings will be protected.

Mr. Bockmiller stated that the only projects that this ordinance would have an effect on would be strictly privately funded.

Page 4, new #(5)

- This deals with the sunset provision. When this was discussed at the staff level, the supervisory chain has a stricter time schedule. Supervisors talked about five resources tops. This language in the ordinance will only be in effect from date it is adopted for four (4) years.

Page 5, Demolitions Ordered by Chief Code Official (#8)

- Mr. Gehr had concerns about this provision based on past experience where the Code Official has determined that a building needs to come down immediately such as the building on West Antietam Street that the HDC toured. There was another building at 140 South Potomac Street that the bank said needed to come down immediately and the HDC approved a Certificate of Appropriateness to demolish. Ultimately that building was rehabilitated and is now being used for an office. Dr. Reed suggested that it would be beneficial to get a second opinion on demolitions so the commission isn't bamboozled again.

The commission was generally okay with this amendment going forward. Mr. Gehr was concerned about overly zealous building officials. Dr. Reed indicated that proof of deteriorated condition and an imminent threat needs to be secured from a second party that building is ready to fall down or is a threat. Mr. Bockmiller is going to propose an amendment next year that when people come in and make an argument for hardship, the applicant would need to pay the City to hire an independent contractor to do the hardship report.

Mr. Bockmiller was instructed to change the vague PEP reference and adding the standards into the amendment and the tweak the counter surface material language to add "and better."

**MOTION:** (Wertman/Davis) I move that we recommend the proposed amendment to the Planning Commission for consideration with the adjustment to pull details out of the PEP program and list them on page 1 under Article 3.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**Other Old Business:**

- Ms. Felmet asked if the Board of Education was able to rescue the shield façade from Bester Elementary when they tore it down. Mr. Bockmiller and Dr Reed stated that it was their understanding that the shield was saved. Mr. Bockmiller said he would call and ask.

**ANNOUNCEMENTS**

- Mr. Bockmiller announced an event at the Maryland Theatre on Thursday, October 9, commemorating the 200<sup>th</sup> anniversary of the publication of the Star-Spangled Banner in a music book, which occurred at Gruber's print shop on South Potomac Street. Gruber's was located on the site of The Maryland Theatre. An historical marker will be unveiled highlighting both Gruber's Print Shop and The Maryland Theatre.

**Historic District Commission  
MINUTES**

**August 28, 2014  
City of Hagerstown, Maryland**

**ADJOURN**

It was moved and seconded that the meeting adjourn (5:30 p.m.).

12/11/2014

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Approved



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Debra C. Calhoun – Secretary