

**Easton Historic District Commission
Easton, Maryland
December 12, 2011**

Members Present: Roger Bollman, Chairman ,Adam Theeke, John Sener, Kurt Herrmann, Mark Beck, Lena Gill, and Janet Gregor.

Absent:

Mr. Bollman called the meeting to order at 6:00 p.m.

The minutes of the previous meeting were approved.

Opening statement given by the Chairman.

The Commission operates under the authority granted to it by section 701 of the Town of Easton Zoning Ordinance. And, I hereby open the record of the public hearing on cases heard this evening and, in accordance with our legal responsibilities, I enter into the record the following items: notice of the public hearing, adopted design guidelines, resumes of commission members and any consultants used by the Commission, records of any previous meetings, and any letters to the Commission on a case.

The decisions of the HDC may be appealed within 30 days of approval.

General Order of the hearing of Applications

- *Introduction of the application by the presiding officer*
- *Presentation by the applicant or his agent*
- *Questions by members of the Commission*
- *Public comment*
- *Petitioner rebuttal*
- *Discussion and consideration by the Commission*
- *Decision motion and statement of Basis for Decision*
- *The applicant may withdraw the application at any time up to when the vote is taken*

A Certificate of Appropriateness shall lapse upon the expiration of the corresponding Building Permit. For applications that require a building permit but for which none is issued, this Certificate of Appropriateness shall lapse six (6) months after its issuance. In the event a building permit is not required, the Certificate of Appropriateness shall lapse six (6) months from its issuance if substantial work is not underway. For good cause shown, this period may be extended by the Commission.

I will now entertain a motion to accept the agenda for this evening.

The agenda for the evening was accepted 7-0.

Consent Docket Approvals – None.

Staff Approvals – None.

Business:

82-2011 23 N. Washington St. Robert Shannahan, Owner.

This application concerns replacing the existing rotted wood door, side lights, and frame midway along the south façade of the building. The building was built in 1940 and rated non-contributing. The replacement unit would be vinyl clad steel. The Commission feels the unit proposed (door, sidelights, frame) in the application is appropriate and will not degrade the structure or neighboring buildings. It is approved as submitted; however, with the understanding

that the applicant will consider a ThermaTru or equal fibre glass unit (door, sidelights, frame). It is the opinion of the Commission that the fibre glass unit will be more appropriate.

The application meets the Guidelines on pg 48 R2 & R3.

Approved as noted above – Motion by Herrmann, passed 7-0.

50-2011 416 Goldsborough St. Peter Johnston, Owner.

This is the second hearing of this application.

- This property was not posted.
- Excerpts of Section 13 of the HDC's Procedures governing "Demolitions" were discussed. Section 13.4 (Replacement Plans) "An application for demolition without replacement plans for a property is deemed incomplete."; Section 13.7 (Subsequent Hearings) "If the Commission finds the plans or application incomplete, it will table the entire application until the applicant distributes the necessary information the Commission requires"; "Once, and only when the replacement plans are approved and the Commission has received documentary information, will the application be finally and fully approved"; Section 13.8 (Partial Demolition) "The Commission will use the same Guidelines and Procedures outlined above for partial demolitions."
 - Demolition of the porch is a partial demolition.
 - As with any demolition, the HDC needs to know detailed replacement plans and be confident of the replacement timeframe.
- The minutes of the August 8, 2011 hearing were read.
 - There is no address in the current (12/12/11) submission to Commission's concern about porch restoration from the August hearing.
- Little has changed in this application since August 8, 2011.
- Details and dimensions continue to be insufficient on many of the phases.
- With regard to the porch:
 - A brick deck would be inappropriate; it violates the Guidelines on pg 58 R1 & R2.
 - Artificial materials are inappropriate on a historic building – see Guidelines pg 58 R2.
 - Historic buildings are not necessarily bound by the prevailing building codes; we suggest the applicant contact the Building Office as he works out the details of his plan.
 - The first submission suggested a smaller porch because of a Town lot line problem. It is not clear what the current plan is and how it compares to the present porch footprint. Details and dimensions are missing.
- The Commission would be derelict in its duty to the town if we were not very careful about approving demolition of the porch without being fully satisfied with the replacement plans and their timeframe. Note, that we will approve only one phase of the plan at a time and, only when sufficient clarity, details and timeframe are available. The first phase must be amended to include the porch replacement. See Procedures 13.7.
- This application is incomplete because the property was not posted, the demolition did not contain a detailed and acceptable replacement plan, and details/dimensions are missing. No action is possible.

Tabled because the application is incomplete – Motion by Herrmann, passed 7-0.

78-2011 22 East Ave Barclay Upchurch, Contract Purchaser.

This is the third hearing of this application.

Mr. Upchurch is the contract purchaser of the Neaton Tire complex made up of a masonry building and a corrugated metal building. He asked for and received Commission feedback on his possible suite of changes to the masonry building. These were provided on 11/28/11. At issue today is Commission feedback on his proposed demolition of the metal building and no defined replacement of it.

Members of the Commission toured the complex to look at both the exterior and interior of the building on 11/18/2011 and other days.

In addition to the elements given in the application, the facts presented in this case were:

1. A written report by a historic consultant, dated 11/21/11, that the building has lost its integrity and is no longer “contributing”.
2. A written report from a structural engineer, dated 11/23/11, citing the fact that the structure is severely deteriorated and in danger localized failure.
3. Verbal testimony from Mary Carol Shannahan on 11/28/11 that the building is an important part of Easton’s industrial heritage. She noted that the building was built to house her family’s steam tractor business in the early 20th century.
 - a. The original use of the building was apparently for sales of steam farm equipment while the last use, Neaton’s Tire, was for heavy tires for trunks and tractors.

The Commission is guided in its decision on this application by: Easton’s historic district Guidelines, the Secretary of the Interior’s Standards, Easton’s Zoning Ordinance, and the HDC’s Procedures. Of these, our Guidelines and the SoI’s Standards are silent.

Section 701E.2.d of the Zoning Ordinance applies in this case. In it, the Commission is essentially instructed to be lenient in its judgment of non-contributing structures and to act in the best interests of the majority of persons in the town.

Our Procedures speak to the issue of “demolition” in Section 13. They describe the importance of great care in demolition matters and suggest there are different standards for judgment of “contributing” vs. “non-contributing” structures. Replacements plans are noted as essential to approval of demolition.

There are no replacement plans offered for this building site other than “interim surface parking” for an indeterminate period. This is inadequate. Since the indeterminate period is likely to be long, it is essential that more information be offered, e.g. landscape plans, likely building, etc. There are at least two demolitions that were approved under these circumstances, one demolition followed by bankruptcy, and one fire (with no replacement). This decision is also influenced by the structural engineer’s report that deterioration is so advanced that failure is likely.

We have professional testimony that the building is no longer “contributing” and a structural report that it is dangerously decayed.

It is not in the best interests of Easton to retain a decaying structure for which hope of preservation is unlikely. Easton’s interests are better served by preservation of the far more important masonry building (which tells a similar story about Easton’s early industrial heritage). We note that the region’s steam farming heritage is wonderfully captured at the nearby Tuckahoe facility. (Perhaps, Tuckahoe would have interest in this building if it is demolished.)

If suitable replacement plans are submitted and, if no new convincing information emerges in support of preservation of the building, the Commission would likely support its demolition.

The application continues to be incomplete as a result of not being posted, and lack of detail and specificity. No action is possible.

Tabled because the application is incomplete – motion by Herrman, passed 7-0.

Items from the Commission

- The 2011 Historic District awards will be presented to 410 Goldsborough St. and 318 August St.
- A Maryland Association of Historic District Commissions half day training workshop will be held on a Saturday in April 2012.
- The results of the December 7 Board of Zoning Appeals hearing on 216 S. Harrison St were discussed.
- As a result of the BOZA hearing, the HDC Procedures will be revised.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Roger A. Bollman, Chairman

cc: Zach Smith