CITY OF DOVER
HISTORIC DISTRICT COMMISSION
October 15, 2015

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, October 15, 2015 at 3:15 PM with Chairman Salkin presiding. Members present were Chairman Salkin, Mr. McDaniel, and Mr. Jackson (arrived at 3:14 p.m.). Mr. Scrafford and Ms. Horsey were absent.

Planning Office Staff members present were Mrs. Melson-Williams, Mrs. Townshend, and Mrs. Purnell. Also present were Delaware State University Historic Preservation Graduate Program students Jing Lv and Jennifer Hewett.

APPROVAL OF AGENDA

The agenda as presented was approved by acclamation.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF JULY 16, 2015

Mr. McDaniel moved to adopt the minutes of the regular Historic District Commission meeting of July 16, 2015, seconded by Mr. Jackson and the motion was unanimously carried 3-0.

COMMUNICATIONS & REPORTS

Summary of 2015 Activity

Mrs. Melson-Williams stated that there were no major changes to the Summary of Applications 2014 and 2015. The most recent change is The Santa House (kiosk) that will be temporarily located on Loockerman Street; the Building Permit was recently issued.

Mrs. Townshend stated that the old My Place Tavern located at 312 West Loockerman Street did not make repairs in the time allotted and the process for the demolition has begun.

Responding to Mr. McDaniel's question whether there was any communication with the owner, Mrs. Townshend stated no, not really. The owner was present when the property went before City Council as a Dangerous Building. There was never any follow up to Staff regarding the property until September 8, 2015 when someone came in to inquire about obtaining a Building Permit to make repairs because they were going to lease the building.

Responding to Mr. McDaniel's question whether the property was adjacent to the Family Dollar building, Mrs. Townshend stated yes.

Responding to Chairman Salkin's question whether The Santa House was going to be built as presented to the Historic District Commission, Mrs. Melson-Williams stated that is what the permit reflected.

Summary of Architectural Review Certifications for 2015 (through the end of September)
Mrs. Melson-Williams stated that permit activity within the Historic District had forty-two (42) permits. Majority of the permits are related to building interior work. There were a high number of Sign Permits. There were some roof projects. Six (6) of the forty-two (42) permits made some type of appearance before the Historic District Commission as an informational item or as part of a formal application.

Mrs. Melson-Williams asked if there were any other questions regarding the permits.

Mr. McDaniel commented that the Kirby and Holloway Sign still stands. Mrs. Townshend stated that she did not expect them to rebuild. Mrs. Melson-Williams stated that the Sign was protected and it will not be an Abandoned Sign that requires removal because of the designation that was placed as a Significant Sign.

Chairman Salkin commented that it is not protected, but they are allowed to keep it. Mrs. Townshend stated that the Sign was protected from the Code.

Department of Planning & Inspections Update
Restoring Central Dover Community Plan
Mrs. Townshend stated that there was a community cleanup in the Downtown area. NCALL received a $750,000 grant over a five (5) year period for Implementation of the Restoring Central Dover Plan. A Neighborhood Revitalization Coordinator and a Community Organizer were hired. Staff has been working to keep the various work groups of the Steering Committee moving forward and providing information to the Steering Committee to make sure they stay on task with keeping things moving forward.

Responding to Mr. McDaniel's question whether the bulk of the money was for implementation planning, Mrs. Townshend stated that the bulk of the money is primarily administration and small projects.

Responding to Mr. McDaniel's question whether five (5) years from now will there be any difference, Mrs. Townshend stated that it will be because you have very qualified and dedicated Staff making sure what is in the plan continues to move forward. They are working with the partners and keeping them engaged.

Mrs. Townshend stated that RG-1 zone is related to Restoring Central Delaware. On Monday, City Council approved amendments to the General Residence Zone (found in the Downtown area). It will allow townhouses and duplexes as a Conditional Use with Planning Commission approval. It will also allow administrative waivers and establish infill Standards. The three (3) Infill Standards are: a front façade from the street, a frontage sidewalk, and some degree of landscaping. The City is in the process and under contract with the House of Pride to acquire four (4) properties from them.

Delaware Downtown Development District Program
Mrs. Melson-Williams stated that a handout was provided. Referring to the handout of the current boundary and they are currently moving through the process to add two (2) additional areas to the

Downtown Development District. The expansion of the boundaries has been considered by the State Cabinet Committee on State Planning and the City's Legislative Finance Administration Committee and is awaiting Council formal action at this point.

Responding to Chairman Salkin's question whether it was strategic to bring this in or if it was an opportunity to make it big as you can, Mrs. Townshend stated yes to both questions. Initially streets were used as the boundary, but we found that the block between The Green and Loockerman Street on the east side has people who want and need to invest in their properties. The City thought it was important to include the area. The area south of Water Street has buildings that could use some renovations and the State Street Commons interior fit-out qualifies as a large project. Therefore, this ensures that we have large projects to utilize the money allocated to Dover. In the last large project round, Dover did not have enough large projects to utilize the funding fully.

Responding to Mr. McDaniel's question whether the people in the red area (in the first block after The Green) qualify for parking permits, Mrs. Townshend stated that she did not know, but thought that it was just the residential parking permits for residences on The Green, but she would check. Mr. McDaniel stated that it was a drawback of that block on both sides in that area. Mrs. Townshend stated that people must rely entirely on public parking.

Zoning Ordinance Provisions for Historic District

Mrs. Melson-Williams gave a brief overview of City of *Dover Code of Ordinances*, Appendix B: Zoning Ordinance that included Article 3-District Regulations, Section 21-Historic District (H) and Article 10-Planning Commission, Section 3-Historic District Commission and Architectural Reviewed an Excerpt of Definitions associated with Historic District activities from Article 12-Definitions. She stated that Article 3, Section 21 establishes that there is a Historic District as a Zoning District (a Zoning Overlay) boundary. The boundary is specifically adopted through the mapping process. Article 10, Section 3 of the *Zoning Ordinance* specifically deals with the establishment of the of the Commission. The Architectural Review Certification process is whether it is a process of the City Planner, the Historic District Commission or the Commission with the Planning Commission. It also establishes how the Historic District is amended and Demolition by Neglect.

Review of Permits Referred to Commission

Mrs. Melson-Williams stated that there were two (2) permits that were provided for information today to the Commission, but technically these permits are not formally being referred to the commission. One is for the garage building located on the Woodburn property that serves as the security office for the Governors House. A permit has been filed for brick repointing to be completed by Paul's Pointing. There is also a set of Sign Permits for the State Street Commons building. At the completion of the tenant fit-out it will be a new home to some of the divisions of DNREC. This project would add a number of projecting signs: one sign on the State Street side of the building and two signs (2) on the Water Street side of the building.

Responding to Mr. McDaniel's question whether the main entrance was off of Water Street, Mrs. Melson-Williams stated yes. The entry to the building is kind of tucked in what is known as the Rectory Building (the historic building that remains on the corner). The street level entry is from a

sidewalk that leads from Water Street. To the rear of the property, the upper floor of the parking garage gets you to the second entry which is the handicap accessible entry to the building. Free-standing signs are being proposed on each of the street frontages. She mentioned in the strict interpretation of the sign regulations, without it being in the Historic District, there would be too many signs and too large of signs. However, in the Historic District and given the unique situation with this building and the user tenant, staff feels comfortable that the signage is appropriate and not excessive. The building will no longer be vacant.

Responding to Mr. McDaniel's question whether the building was in the Historic District, Mrs. Melson-Williams stated yes.

Responding to Chairman Salkin's question of which agency is the applicant, Mrs. Melson-Williams stated that the application came from the sign contractor for DNREC which is the Department in general.

Update on Certified Local Government (CLG) Program:
Mrs. Melson-Williams stated that the State Historic Preservation Office recently hired a new employee Laurie Turkawski. who will become the new Certified Local Government Coordinator. The grant is a 60/40 matching basis. The match coming from the City can be cash or donated service or material.

Information on Permits with Architectural Review Certification Issued by Staff
Building Permit #15-992: Exterior Renovations & Structural Repairs at 2 West Loockerman Street

Mrs. Melson Williams stated that the Permit is for renovations to the first floor exterior area. Included in the packet was a historic photo of the building. They are proposing to reestablish the display window, glass and panel appearance work of the first floor while maintaining entry to the building. This comes in part with need for some structural work related to the north side of the building that faces Loockerman Street. It was brought to the Historic District Commission as an informational item. The activity of exterior surface improvement that was being done on the first floor was allowed for staff review under the *Zoning Ordinance*. The *Design Standards and Guidelines* were followed for the storefront reconstruction and rehabilitation.

Responding to Mr. McDaniel's question on whether big panels will be windows located on the first floor and will you be able to see, Mrs. Melson-Williams stated yes. It will create an aluminum store front window system. It was indicated in the comments that the windows should be clear glass and the use of tinted is not appropriate or permitted in the Historic District.

Chairman Salkin commented that he was delighted to see that the façade was going to be replaced after twenty-five (25) years. He was stunned that the Historic District Commission was receiving the information after the fact. After reading the Architectural Review Certification section many times, that by the letter and spirit of the Ordinance (Article 10 Sections 3.22 and 3.23(B)) it seemed that this project should have come before the Historic District Commission. The Article outlines what Staff can do independently and what can be referred to the Historic District Commission. This project goes far beyond the minor changes indicated. The Commission has reiterated in the past, even in July, the desire to see the permits and project. He stated that ninety (90) days had passed since that time, which was plenty of time for the Historic District Commission to have

reviewed the permit. It is very unfortunate that the Historic District Commission did not have the chance to comment on the project. Whether the Historic District Commission would have proposed to do anything differently or not and he did not have any personal opinion to offer at this point. He felt that there is a serious problem, if you have a project like this that is so prominent and it involves the entire façade of the building is determined to be minor under Article 10, Section 3.22 which is a mistake. He would like to have a more serious discussion regarding this issue at the next meeting because he thought it was made clear previously they wanted to see all projects on The Green. He knew that at least one of the Commission members who were not present today feels very strongly about this issue.

Mrs. Townshend responded to Chairman Salkin's comments by stating that there is nothing in Article 10 Section 3.22 that states minor projects, the only reference is minor demolition. She reiterated Article 10, Section 3.23(A). It was not an indication that Staff thought it was minor, but it is within the types of things that are specified for Staff review and it complied with the *Guidelines*. If something does not comply with the *Guidelines* then it would be referred to the Historic District Commission under Article 10-Section 3:23(B).

Chairman Salkin stated that he disagreed with Mrs. Townshend's interpretation. You could argue about the letter of the Ordinance, but the spirit and the discussion in recent months and the last several years has been that the Historic District Commission wanted to see the permits or projects. It does not state in the Ordinance that the Historic District Commission has to see everything on The Green, but they have stated that they want to see everything on The Green. This is the exact project that they have been saying for months and months that they want to see. It was made perfectly clear in July. Staff could have brought this project to the Historic District Commission under an advisory capacity if they felt it did not come under their jurisdiction.

Responding to Chairman Salkin's question how this project was different from the Mitten & Winters project that came under their jurisdiction, Mrs. Townshend stated that they were using material that was not in Mrs. Melson-Williams judgment in character with what the *Guidelines* indicated.

Chairman Salkin questioned if the determination was related to aluminum and plastic products. Mrs. Melson-Williams stated that Mitten & Winters was removing the historic bricks from the original construction. Mrs. Townshend stated that they were removing it and replacing it with something less true to the district.

Chairman Salkin stated that if you take anyone of the items in Article 10, Section 3.22 the article suggests that this is minor, but this project includes the entire façade, but again by the letter of the law he disagrees as previously stated. By the spirit of the law he continues to be disappointed as previously stated. He asked why the Historic District Commission exists and why they put their energy into what they do if a project that has this much impact in spite of visibility is not brought before the Commission. He would like to discuss it independently regarding this project at the next meeting and clarify these sorts of things because they are important to the Historic District Commission members and this is not the first time it has come up.

Mrs. Townshend stated that the *Zoning Ordinance* is adopted by City Council. When amendments are made they are done through a very transparent process. The entire Article 10 was rewritten roughly five (5) years ago and at that point the direction from City Council was that they wanted Staff to do as much of the minor stuff administratively as possible. There are items that use to go to the Planning Commission and Historic District Commission that no longer go before these Commissions. If anything comes into the office that even appears not to comply with the *Guidelines* (even if it is extremely minor) it would come before the Historic District Commission. The purpose of the Historic District Commission is to make sure the integrity stays there, but if it is a minor project and it complies it is reviewed by Staff. If we want to revisit what comes to the Historic District Commission then it is about revisiting the Ordinance.

Chairman Salkin stated that he understood that and respected that, but disagreed. He sees a lot of gray area and sees Staff going in one direction when it is in the gray area and not the other direction. This is not a minor project, but very prominent and significant.

Mr. McDaniel stated that he comes down on both sides. The Historic District Commission is being made aware of the project. It is stated after the fact, but it could not even come in the packet.

Chairman Salkin stated that it does not change anything.

Mr. McDaniel stated that the Historic District Commission still needs to be aware.

Mrs. Townshend stated that there was a discussion at one point where Staff had approved something and there were no pictures in the packet. The request of the Historic District Commission was even if it is administratively and visible to call it out on the packet so it is not just on the list.

Chairman Salkin stated that he appreciated that and it is very helpful, but at the same time there have been discussions about notification. He had a meeting with Staff when he became Chairman and requested to be notified of high profile projects so that he could determine on behalf of the Historic District Commission if it was something that they would like to review. There is no public process for these types of projects if it does not come before the Historic District Commission. Therefore, it is just dealt with at Staff level and the Ordinance by Staff interpretation may state that it is okay for this project, but he respectfully disagrees and felt that it was a mistake.

Mr. Scrafford moved to adjourn the meeting; seconded by Mr. Jackson and unanimously carried 3-0.

Meeting adjourned at 3:57 PM

Sincerely,

Maretta Savage-Purnell
Secretary