CITY OF DOVER
HISTORIC DISTRICT COMMISSION
September 18, 2014

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, September 18, 2014 at 3:00 PM with Chairman Scrafford presiding. Members present were Chairman Scrafford, Mr. McDaniel, Ms. Horsey, Mr. Salkin and Mr. Jackson.

Planning Office Staff members present were Mrs. Melson-Williams, Mrs.Townshend, Mr. Cook, and Mrs. Purnell. Also present was Mrs. McDowell from the City Clerk's Office, Glenn Mandalas, Cameron Llewellyn, and Troy Adams.

APPROVAL OF AGENDA

Mr. McDaniel moved for approval of the agenda as submitted, seconded by Mr. Salkin and the motion was unanimously carried 5-0.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF AUGUST 21, 2014

Mr. McDaniel moved to adopt the minutes of the regular Historic District Commission meeting of August 21, 2014, seconded by Mr. Jackson and the motion was unanimously carried 5-0.

COMMUNICATIONS & REPORTS

Summary of 2014 Activity

Mrs. Melson-Williams stated that included in the packet was a Summary of Applications from 2014 and 2013. There were four (4) applications this year one of which the Historic District Commission will hear about again today. There were two (2) Sign Permits that were referred to the Historic District Commission that consisted of the EZ-Pass and the revised Family Dollar which have been installed. There have been some questions regarding the Family Dollar sign. The gooseneck lights do light the sign from overhead. If for some reason the sign itself starts to glow we will be able to pursue Code Enforcement issues, because it is not supposed to have any internal lighting to the sign.

Mr. Salkin questioned the backlit unit lighting (raised plastic) that was taken off the agenda and the gooseneck lighting that is currently there that is worse. He stated that it was contrary to the Historic District Commission standards. They were told that there would not be a light that looked like that. This is another example where the Historic District Commission does not see the Final Plan. The Historic District Commission does not have a chance to comment. Personally, he was very disappointed to see that there are backlit lights that are installed.

Mrs. Townshend stated that it was not backlit lighting.

Chairman Scrafford stated that there are backlit signs with no lighting and gooseneck lights over the front to meet all of the criteria.

Mrs. Townshend stated that the issue may be with the architecturals that were turned in for the application and the information for the Sign Permit was not the same material.

Mrs. Melson-Williams stated she was not sure how detailed the information was, but they would have to pull all the permit information. It was very specific information in the revised Permit that there would be no internal illumination of the sign and that was the key element of the Architectural Review Certification that they went through with the building itself.

Mrs. Horsey questioned if they could be informed that the Historic District Commission is disappointed at least and maybe they will do the right thing and something different and make revisions? Mrs. Melson-Williams stated that technically the project is still under construction. The Certificate of Occupancy inspections have not been done. They anticipate them to be scheduled before the month ends.

Mrs. Townshend stated that no final inspections have been completed for the sign.

Summary of 2013 Applications

Mrs. Melson-Williams stated that there was a total of five (5) in that calendar year. The Family Dollar building was one of those. The other big project was the North Street Pocket Park that has been under construction this summer and looks as if they were making good progress on all the various planters.

Mr. McDaniel stated that they were putting benches in today.

Mrs. Melson-Williams asked if there were any other questions regarding the applications and their status.

Summary of Architectural Review Certifications for 2014

Mrs. Melson-Williams stated that there have been forty-six (46) permits within the Historic District. Seven (7) of the permits involved projects that came before the Historic District Commission and twenty-seven (27) were handled by Planning Staff. There were twelve (12) permits for activities within the Historic District that consisted of interior renovation that does not require Architectural Review Certification. Most of the permit activities are signs. There were ten (10) Sign Permits and five (5) Temporary Sign Permits. The others were a mixture of building exterior permits such as roofing and fences. Only two (2) were Building Permits that consisted of an accessory structure and an Administrative Permit.

Responding to Mr. Salkin's question why the Building Permit for 210-220 South Governors Avenue did not come before the Historic District Commission. He saw the finish product of the project today. This was the entire façade. He does not understand what criteria are used to determine when a permit comes before the Historic District Commission. His personal preference is to ere on the side of extra review. This is one that jumped out at him and thought that it was one that the Historic District Commission should have approved. Mrs. Melson-Williams stated that Staff considered it a minor project and they were taking an asphalt roof and going to a metal roof for the building which is certainly in keeping with the *Design Standard and Guidelines*. The other

façade work on the front was deemed that it was appropriate for the *Guidelines*. She questioned if they wanted to look at a more specific type of threshold that the Planning Staff automatically refer the permit to the Historic District Commission. What was established in the *Zoning Ordinance* certainly gives Staff the ability to review minor permits.

Mr. Salkin stated that it seems as a radical change and appearance overall. Each piece may be in keeping with the standards, but it is a whole new look.

Mrs. Townshend stated that they were taking material off the building that did not comply with the *Standards* and placing it with something that did comply.

Mr. Salkin stated that overall it is an improvement, but this was done back in April and he did not understand what they were doing at 210-220 South Governors Avenue and at that time it did not occur to him to question or comment on it.

Department of Planning & Inspections Update
Draft Bicycle Plan & Pedestrian Plan for Dover
Mrs. Townshend stated that there is no update since mentioning it last month.

Responding to Mr. Salkin's question whether it had been formally adopted, Mrs. Townshend stated no.

Restoring Central Dover Community Plan
Mrs. Townshend stated that there is still not a full draft plan available. The Implementations Strategies and Recommendations have been distributed to the Steering Committee. They are relying on the community for the implementation. Hope to have some information relatively soon.

Citywide Recreational Needs Assessment
Mrs. Townshend stated that there are three (3) workshops scheduled as follows:

- Monday, September 29, 2014 from 5:00pm -7:00pm at Towne Point Elementary School.
- Tuesday, September 30, 2014 from 5:00pm -7:00pm at Dover Public Library.
- Monday, October 6, 2014 from 5:00pm -7:00pm at John W. Pitts Recreation Center.

The deadline for the survey is October 15, 2014.

Delaware Downtown Development District Program
Mrs. Townshend stated that the application is due to the State on November 1, 2014. Included in the Historic District Commission members packet was the boundary that was determined and approved by City Council. The City is in the process of compiling a lot of Census data and other information to this boundary so that they will have the information needed to provide on the application.

Chairman Scrafford asked if there were any additional questions or comments. There was none.

OLD BUSINESS

Revisions to Site Plan and Architectural Review Certification:

HI-14-03 at 6 South State Street – Information and Revisions to approved Plan and its Architectural Review Certification associated with a Site Plan (S-14-11) to permit the construction of a parking lot, handicap access, and the landscape plan. The property is zoned RGO (General Residence and Office Zone) and is subject to the H (Historic District Overlay Zone). The property is located on the southwest corner of South State Street and Division Street. The owner of record is Six South State, LLC. Address: 6 South State Street. Tax Parcel: ED-05-077.05-04-27.00-000. Council District 3. *Upon hearing an update on project activities on August 21, 2014, the Historic District Commission requested additional information on the project.*

Mrs. Melson-Williams stated that at the August meeting Staff reported on the status of the project. During that time there were a series of inspections related to receiving a Temporary Certificate of Occupancy. At that point, during the Staff inspection of the property a number of items were identified as incomplete or did not match the approved Final Site Plan for the project. The project went through the Historic District Commission for review and then was heard at the Planning Commission because it required a Site Plan due to the addition of the parking lot. The Planning Commission issued the Architectural Review Certification for the project based on recommendations from the Historic District Commission. Today information will be presented on the revisions to the Approved Plan and the Architectural Review Certification. Included in the packets was a copy of the Final Site Plan Landscape Plan sheet and a Site Plan Exhibit diagram that shows the as-built conditions of the rear portion of the property near the alley. The key items to be addressed as related to Architectural Review Certification are as follows: wrought iron fence that does not extend the full length on the north side of the parking lot row to the alley as per the Final Site Plan. The fence along with the new boxwood shrubs were presented and approved as the screening for the parking spaces. A retaining wall of block pavers that was added on the east edge of the parking lot sidewalk between the building and Division Street. The Final Site Plan shows this area from the lawn to the sidewalk as being graded only.

Representatives: Glenn Mandalas, Baird Mandalas Brockstedt LLC; Cameron Llewellyn, Tidemark Construction; Troy Adams, Mountain Consulting Civil Engineers.

Mr. Mandalas stated that this project was a labor of love for them. They hope to one day be the project that people point to as an example of how to do things right. This is a wonderful and unique property and he extended the invitation to the Historic District Commission and anyone who would like to do a walk through to please stop by.

Mr. Llewellyn, as he referred to the Exhibit, stated that the dark line represents the overall boxwood shrubs. The original wrought iron fence had to be removed because there was a 2 ½ foot drop to get down to the sidewalk. It had to be cut in order to put in the parking lot. There was a problem on how to make the parking lot functional so that people could get out of their cars and

onto the sidewalk without an injury. If the wrought iron fence was there then the plants would have to be in the middle of the wrought iron fence. However; you cannot put plants in the middle of a wrought iron fence. He stated that it was a judgment call on his part if the plants were put in the middle of the fence then in six (6) months the fence would be gone. The purpose of the shrubs was to obscure the parking area from view. A wrought iron fence and no boxwoods would means that they cannot grant the request by the Planning Commission to screen the parking with plants. They only had about 20 inches of soil. They have the fence material, but wanted to keep it in the basement in case the fence was damaged then they would be able to make the repairs. He stated that it was his opinion, but it did not represent anyone else that was present at the meeting.

Responding to Chairman Scrafford's question whether he was planning for the boxwood to be as high as the fence that currently exists; Mr. Llewellyn stated that the requirement was that the boxwood needed be at least 24 inches in height when they were installed. The intent of having them there is to screen the parking.

Responding to Chairman Scrafford's question whether the boxwood would interfere with the proposed fence and that he did not need both; Mr. Llewellyn stated that they needed one or the other. They could not do both.

Responding to Mr. McDaniel's question whether the boxwoods were in, Mr. Llewellyn stated yes. The fence is only thirty inches tall.

Chairman Scrafford asked if there were any other questions regarding the presentation?

Responding to Ms. Horsey's question whether there was any thought given to extending an antique fence around the entire building, as it once was in the past instead of having the fence stop halfway; Chairman Scrafford stated that the request for parking interfered with what was the turn of the corner.

Responding to Ms. Horsey's question that she was referring to the front corner of State Street and Division Street, Mr. McDaniel stated that this particular fence has been gone for quite some time. It was not there when the new owners purchased the property and the Historic District Commission did not have any requirements.

Retaining Wall

Mr. Llewellyn stated that regarding the retaining wall there was some grading issues and it was intended to have the grading behind the Gazebo which is part of the National Registry to drop off to the parking area. They had just enough material in stock to put up a small retaining wall because they feel that the building is going to be the most photographic in Dover. Because they have the material available that closely match the character of the building they put the small retaining wall there so that the area around the back of the Gazebo did not just fall off. The Gazebo itself is suffering from ages of neglect. They have cleaned it chemically, sprayed it with two (2) layers of rust proof paint to try preserving it. They are going to try to keep the Gazebo there for as long as

they can. It is kind of disappointing because they spent money for the retaining wall that was not intended and it was done without asking anyone and they now realize they should have asked someone first.

Mr. Mandalas stated that the material used could have been more of a more historical type or matched the brick of the building. He apologized for not doing so as it would probably have enhanced the building a little. The initial Site Plan showed the parking area to be all asphalt without the raised concrete sidewalk that would basically be in line along the back of the parking area. The area in general was enhanced through this process. The wall has a technical reason that makes sense for the fence to be there.

Responding to Mr. Salkin's question whether the retaining wall was there when the Historic District Commission first reviewed the Plans and if so, what was the proposal; Mr. Llewellyn stated that the retaining wall was a matter of a budget to complete the project and what they could and could not do. If they had decided not to put the wall in they would have decided to put plantings around the area so that someone could not step off of the Gazebo and fall.

Responding to Chairman Scrafford's question whether the wall was a budget issue when the first proposal was made; Mr. Llewellyn stated that everything was a budget issue.

Mrs. Melson-Williams stated that there are two (2) plan sheets that made up the packet the Historic District Commission received for information that was originally filed. The Site Plan sheet showed a retaining wall and the Landscape Plan Sheet showed it being achieved through grading. The Staff comments for the review of it asked that it be clarified if the retaining wall was going to be utilized or re-grading of the site was going to be done in that area. There was a conflict in the early submission and she believed that the testimony at the meeting was that they were going to try to grade it and the retaining wall would not be necessary.

Responding to Mr. Salkin's question whether the application was approved with grading and no wall; Chairman Scrafford concurred.

Responding to Mr. Llewellyn's question whether everyone had seen the outside of the building since the completion of the project; all members concurred.

Mr. Llewellyn stated that about 75% of the retaining wall is around Division Street and State Street that was inherited.

Ms. Horsey stated that the retaining wall was ugly.

Responding to Ms. Horsey's question whether they could at least look into facing the retaining wall with more compatible material, Mr. Llewellyn stated that is an engineered paver retaining wall and it cannot be fixed. It would have to be taken down because they are engineered blocks that are stacked on each other.

Mr. McDaniel moved to approve HI-14-03 the wrought iron fence and boxwood as it currently exists, seconded by Mr. Jackson and the motion was unanimously carried 5-0.

Mr. McDaniel moved to approve HI-14-03 the retaining wall with block pavers at the east edge of the parking lot, seconded by Mr. Jackson. Discussion continued.

Mr. Salkin stated that he thought the retaining wall was a mistake. The matching units that were installed at the corner by DelDOT were a huge mistake. The original installation at the corner was not in the Site Plan. There should not have been a wall without a request and even if there was a request the Historic District Commission would have asked for a matching brick. His preference would be to remove, replace, or re-grade.

Mr. McDaniel stated that the retaining wall closer to the intersection was not put in by DelDOT, but by the previous owner.

Mrs. Townshend stated that the retaining wall closer to the intersection at the edge of the property was put in by DelDOT.

Mr. Salkin stated that the material that was used for the retaining wall matches what was put there by DelDOT.

Chairman Scrafford agreed with Mr. Salkin and stated that it was below standard and it was a red #2.

Chairman Scrafford questioned if there was any discussion regarding the retaining wall at the parking lot on the sidewalk.

Mr. Salkin stated that his above comment was regarding the retaining wall at the parking lot on the sidewalk.

Responding to Chairman Scrafford's question whether Mr. Salkin did not like the color, Mr. Salkin stated that he did not like the type of material or color. His personal preference would be no wall, but if there had to be a wall it should meet the Historic District Preservation Standards.

Chairman Scrafford stated that there were comments concerning why the retaining wall was needed (valid) from an engineering standpoint.

Responding to Mr. Jackson's question of the plantings behind the retaining wall, Mr. Llewellyn stated turf. All the old plants that were overgrown over the years were taken out.

Chairman Scrafford questioned if there were any additional questions or concerns as a motion was on the floor.

Mr. McDaniel moved to approve HI-14-03 the retaining wall with block pavers at the east edge of the parking lot, seconded by Mr. Jackson and the motion was carried with a vote of 3-Yes and 2-No. Mr. Salkin and Ms. Horsey voted no.

Chairman Scrafford stated that if the wall needed to be replaced the applicant would need to come back before the Historic District Commission.

Responding to Ms. Horsey's question of how the applicant killed the ivy, Mr. Llewellyn stated that it was many weeks of Round-up spray.

Responding to Chairman Scrafford's question whether there was a plan for beautification of the corner on State and Division Street where it is bare at the present time, Mr. Llewellyn and Mr. Mandalas stated yes. Mr. Mandalas also stated that they are currently talking with sign contractors.

Responding to Chairman Scrafford's question whether there will be an application for a sign, Mr. Mandalas stated yes. Mr. Llewellyn also stated that the sign is part of the Site Plan.

Mr. Llewellyn stated that one of the first things that left the applicant's construction budget when they opened up walls and found what resembled mulch than wood was the irrigation. They had planned to put in an underground sprinkler system. The Attorneys have been given a proposal and they hope to recover financially from what was done. They really want the corner to be special when people drive through Downtown Dover; they feel that this is what is representing above the historic building stock.

Chairman Scrafford stated that the signage will need to conform with the other three (3) corners.

Mr. Mandalas stated that the signs will.

Responding to Chairman Scrafford's question whether there was a potential for a tree in the corner, Mr. Llewellyn stated that some of the comments from the Planning Commission did not want trees in front of the house. Through this entire process the applicant has been trying to please multiple entities which are difficult to do.

Chairman Scrafford stated that a Landscape Plan will need to be done for the corner.

Responding to Mr. McDaniel's question whether the applicant would run into the same problem with signs as fences regarding no more than 3 feet on a corner, Mrs. Townshend stated that they will need to be out of the corner visibility area.

Mr. Llewellyn stated that where Mountain Consulting has a future sign represented (on the Site Plan); it does acknowledge that line of sight that is required on both state roads.

NEW BUSINESS

Review of Building Permits Referred to Commission

Mrs. Melson-Williams stated that there was no specific permit to refer to the Historic District Commission, but there was one that she wanted to make the Historic District Commission aware of because it is located at 54 The Green and owned by Historic District Commission member Mr. McDaniel. A Permit was received this week to do repairs to the brick walls on the west side of the house. The proposal involves repair to the brick which involves mortar that is loose and crumbling in the area and there are some bricks that are spalling. The mortar issues will be addressed and minor brick replacements. Paul's Pointing is the contractor for the project and he has done a lot of work in the historic area. The Architectural Review Certification and Permit can be approved by

Staff. The area has limited visibility unless you are standing in the right place and looking in the right area.

Update on Certified Local Government (CLG) Program Application
Mrs. Melson-Williams stated that they are making some progress. Most resumes have been updated. Mr. Jackson's still needs to be updated.

Mr. Jackson stated that he would provide a markup copy of his resume.

Responding to Mr. McDaniel's question whether the Certified Local Government (CLG) tied into the DDP Grant application, Mrs. Townshend stated no.

Responding to Mr. Salkin's question whether there was still Federal funding, Mrs. Melson-Williams stated yes, the State of Delaware receives as part of the Historic Preservation Fund a certain amount of monies. A certain percentage of the monies issued to the State have to be sub-granted or re-granted to communities that have the CLG status. There are a lot of communities and New Castle County is a Certified Local Government.

Responding to Mr. Salkin's question regarding the trail projects at the Archives and Mirror Lake and whether the trees that were taken out were going to be replaced because he had not seen a Landscape Plan since Phase I, Mrs. Townshend stated that she was not entirely sure, but there will be plantings.

Responding to Mr. Jackson's question of the end date for the trail projects, Mrs. Townshend stated that they are supposed to start on the Park Drive segment next week, but they are ahead of schedule and have already started there. It should be done relatively soon.

NEW APPLICATIONS
There were none.

Mr. McDaniel moved to adjourn the meeting; seconded by Mr. Salkin and unanimously carried 5-0.

Meeting adjourned at 3:56 PM

Sincerely,

Maretta Savage-Purnell
Secretary