CITY OF DOVER
HISTORIC DISTRICT COMMISSION
FEBRUARY 21, 2013

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, February 21, 2013 at 3:00 PM with Chairman Scrafford presiding. Members present were Chairman Scrafford, Mr. McDaniel, Mr. Fisher, and Mr. Salkin. Mr. Jackson was absent.

Staff members present were Mrs. Melson-Williams, Ms. Cornwell, and Mrs. Purnell.

APPROVAL OF AGENDA

Mr. Fisher moved for approval of the agenda as amended, seconded by Mr. McDaniel and the motion was unanimously carried 4-0. Mr. Jackson was absent.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF JANUARY 17, 2013

Mr. McDaniel moved to adopt the minutes of the regular Historic District Commission meeting of January 17, 2013, seconded by Mr. Salkin and the motion was unanimously carried 4-0. Mr. Jackson was absent.

COMMUNICATIONS & REPORTS

Training Opportunities

Mrs. Melson-Williams stated that on the desks were handouts on workshops and training opportunities being held by Preservation Delaware and other partners throughout the State. The next workshop is scheduled for Saturday, March 9, 2013 at 9:30 a.m. in New Castle, Delaware "Design Review: Are You Keeping Up With the Times" and "Connecting With Your Community" follow up. The workshop is free and please inform Staff if you would like to attend.

Update on Discussion-Role and Scope of the Historic District Commission and Historic District

Mrs. Melson-Williams stated that there was a Workshop scheduled for Tuesday, February 26, 2013 from 4:00 p.m. – 7:00 p.m. at the Dover Public Library, Meeting Room. The intent of the workshop was to discuss the role and scope of the Historic District Commission and Historic District. This was a follow-up of some of the tasking that the City Council Legislative Finance and Administrative Committee did assign. There will be a presentation at 4:00 p.m. followed by a facilitated discussion by a consultant. The same presentation and facilitation will be presented again at 5:30 p.m. The same flyer that went out to members also went to property owners who live within the Historic District and stakeholder groups. It was also advertised in the Wednesday, February 20, 2013 Dover Post.

Responding to Mr. Salkin question on if there were any roles for the Historic District Commission, Mrs. Melson-Williams replied no, other than being a participant sitting in the audience. There will also be an opportunity for written comments to be submitted.

Update on Proposal for The Green as National Monumen

Mrs. Melson-Williams stated that City Council took action to support establishing a Preservation and Conservation Easement on the lawn area of The Green. This is one step that needs to be in place for potential designation of the National Monument should the President choose to do so. Along with the Preservation Easement document the City Solicitor and Staff have been dealing with title search and legal issues associated with the easement. Planning Staff and Department of Public Works Staff prepared the baseline documentation that identifies the existing features that currently exist on The Green such as the trees and a background report. The Senator and our Congressional delegation filed a new Legislation (Bill) for designation of various areas in the State of Delaware as a National Park Site.

Responding to Mr. Scrafford question if the National Park was the grass area inside the curb, Mrs. Melson-Williams stated it is the lawn area inside the curb. It does not include State Street, the pavement of the street known as The Green, or any private property.

Responding to Mr. Scrafford question if it included the curb, Mrs. Melson-Williams stated it has been described as the lawn area, she was not sure of the exact legal description.

Mr. McDaniel stated that he never had a chance to read the new document, but he was satisfied.

Responding to Mr. Fisher question as to who owns The Green, Mr. McDaniel stated "the people of Kent County". Also responding, Mrs. Melson-Williams stated she had not seen the complete title work and was not sure of the official designation, but Levy Court took action to support the creation of the preservation easement.

OLD BUSINESS

HI-12-06 Demolition of Building at 509 South State Street – Continuation of Review for Action on Architectural Review Certification for the demolition of the two-and-half story residential dwelling located at 509 South State Street. The property is zoned RGO (General Residence and Office Zone) and subject to the H (Historic District Zone) and the SWPOZ (Source Water Protection Overlay Zone). The property is located on the east side of South State Street just south of the intersection with Water Street. The owner of record is the Rector, Wardens and Vestryman of Christ Episcopal Church. The property address is 509 South State Street. Tax Parcel: ED-05-077.09-05-45.00-000. *Action on this application was deferred at the September 20, 2012 meeting, as the Commission requested additional information.*

Mr. McDaniel recused himself from the application as he is a member of the church that owns the subject property.

Mrs. Melson-Williams gave an overview of the Architectural Review Staff Report dated September 20, 2012 that was included in the packet. She stated that included in the Staff Report were comments and recommendations, and provided were the minutes of the September 20, 2012 Historic District Commission meeting.

Mrs. Melson-Williams also stated there was a listing chronology of events since the September 20, 2012 meeting. On February 11, 2013 some additional information on the project request to demolish the building was provided and was included in the packet.

Mr. Fisher moved to raise the application HI-12-06 from being tabled, seconded by Mr. Salkin and the motion was unanimously carried 3-0. Mr. McDaniel recused and Mr. Jackson absent.

Representatives: Paul Brown and Alan George of Christ Episcopal Church.

Mr. George stated that they went back from the last meeting and sent seven (7) historic architects an email of the information that was submitted to the Historic District Commission requesting them to look at the structure. They requested building plans with complete demolition and new construction of the house verses refurbishing of the house, historical architectural inspection reports structural engineering reports, and construction cost. He stated that three (3) of the seven (7) historic architects responded and they were Homsey Architects, Buck Simpers, Architects and Associates (BSA+A), and Bernardon Haber Holloway Architects. He stated that of the three (3) only two (2) of them followed-up. They met with BSA+A on January 4, 2013 and preliminary input included:

- The back of the house has structural damage to the floor joists.
- The 9”x9” floor tiles in the back section are most likely asbestos tiles based on past renovation experiences.
- The roof was replaced totally at one point since plywood sheathing can be seen when part of the attic ceiling was pulled away (i.e. there are no cedar shakes remaining from the old roof).
- The beams supporting the roof in the main part of the house are structurally sound.
- There was no apparent structural damage in the attic where the leaks are seen at the chimney/roof lines.
- The flooring of the attic under the floor boards is structurally sound and not of current construction dimensions (3”x4” joists).
- The addition of the inner block wall in the basement makes the interior of the main part of the house appear to be structurally sound.
- Depending on the planned use of the building, code requirements may be in conflict with keeping the historic nature of the building and surrounding area (would need to address with variances).

Mr. George further stated that Bernardon Haber Holloway Architects had the same findings and opinions when they did the walk through.

Mr. George also stated that there was a public safety issue with the building. One of the doors had been forcibly opened and found that someone had been living in the building. The Police Department was contacted and afterwards the door was boarded up. He stated other public safety concerns aside from the local residents being at risk, were people who used the Parish House, i.e. the Social Hall in the evening including:

- The Delaware Music School where lessons are provided to children who come and go with their parents at night.

- Various support groups such as Alcoholics Anonymous who meet at night midweek.
- Church Choir who rehearse midweek.
- Youth Group at various times.
- The women of the Altar Group who are at the Church alone during off hours to prepare the altar for services, and
- Church Staff who often are leaving the building after dark.

They also looked at the cost impact to the church and this was also discussed with the Historic Architects. There are three (3) options to pay for the project which include a Building Campaign, take out a construction loan and mortgage, and look for grants and tax credits. Christ Episcopal Church funding is primarily based on three sources: pledges from the parishioners, savings from unrestricted endowments, and restricted endowments. As part of the pledges that is used as the budget going into the year the church is already $20,000 in the red.

The input cost from the Historical Architect to do the complete focus study, structural analysis, design and build plans, and construction cost, and to remove the building and build an entire new structure would roughly cost $500,000. To do a renovation it would roughly cost $400,000. The church looked at ways to cover the cost that would add to their already existing budget such as an additional mortgage. They are not sure where the funds would come from. They have looked into the Historical Tax Credit. They are currently sitting on tax credits as they have not been able to sell them off. They have not been able to get potential revenue to offset the cost because the building is land locked so there is no parking, and it would be difficult to meet ADA requirements and maintain the features of the interior of the building (narrow doorway, low headroom, narrow stairwell to second and third floors).

Mr. George stated that in summary the Church did not want to fund a complete historic survey of the building knowing that the cost would be in the $500,000 range. They do have good feedback from two (2) Historic Architects. If the church would take another $47,000 from the church savings every year it would drain our reserves and back up operational funds. While this may seem to be a bit melodramatic it is far from that. He used the Cathedral Vestry as an example of not being the best stewards with their funding and ultimately resulted in the closing of the Cathedral. He stated that the church does not have the funding. He stated that the church supports the following and would not be able to do that if they were not open: The House of Pride, Dover Interfaith Mission, Habitat for Humanity, and upkeep of the cemetery and church yard as a private entity.

Mr. George asked that given the costs and potential options that they continue with the plan and work towards securing their long term presence in the community without the burden of renovating the structure. The Church has always been good historic stewards in the area. He stated that reviving an old house that was left to run down by the previous owner and putting their Church at risk over a property that is old, but not historic; does not seem the way to go. They wish to continue supporting the historical facilities and grounds in the efforts of their Parish to maintain

and nurture not just the building, but the citizens. Christ Church is a 300-year old parish with a historic church dating to 1734 established and sustained by generations of Dover citizens, including a signer of the Declaration of Independence, other founding fathers of the United States, several state governors, ambassadors, and local residents who would end up victim of a derelict house with no historic value. The Church asked that the Historic District Commission approve their request to demolish the building at 509 South State Street.

Responding to Mr. Salkin question if any of the consultants left any documentation of the analysis, Mr. George stated that he had correspondence of emails.

Responding to Mr. Salkin question if the consultants were asked to be more specific, Mr. George replied no, in order to do that it would cost roughly $5,000-$10,000. He could provide the Historic District Commission with the emails.

Mr. Salkin stated that he did not feel that the Church has replied with the request from the Historic District Commission, but agreed to move forward.

Mr. Fisher moved to approve the demolition permit application HI-12-06 Demolition of Building at 509 South State Street to include items #4, 5, and 6 of Staff Comments and Recommendations, that the church work with the Planning Department regarding recordation, seconded by Chairman Scrafford and carried with two (2) yes, one opposed (Salkin). Mr. McDaniel was recused from voting on the application; however, he remained in the meeting. Mr. Jackson was absent.

Mr. George stated that he could provide floor plans for all of the rooms for recordation.

Mr. Scrafford recommended that Mr. George work with the Planning Department on the establishment of what they need in the form of recordation.

Chairman Scrafford questioned if there was any additional discussion.

Mr. Salkin stated that when the Historic District Commission met in September and tabled the motion by majority vote it requested additional information; he expected they would have had more information regarding the house history and analysis of its integrity and value than what was received today. He did not feel that the Historic District Commission received what was needed to act on the intent from the September 20, 2012 meeting.

Mrs. Melson-Williams stated that the application was not required to go before the Planning Commission. A notice of decision letter will be issued to the applicant. The applicant would need to provide the documentation element, streetscape plan, and file a Demolition Permit application.

NEW BUSINESS

HI-13-01 Lands of Boyles at 527-529 South State Street – Public Hearing and Review for Recommendation on the Architectural Review Certification associated with a Site Plan to permit the construction of a parking lot. The property is zoned RGO (General Residence and Office Zone) and is subject to the H (Historic District Overlay Zone) and SWPOZ (Source Water Protection Overlay Zone) Tier 3 - Excellent Recharge Area. The property is located on the northeast corner of South State Street and Elm Terrace. The owners of record are William and Lisa Boyles. Address: 527-529 South State Street. Tax Parcel: ED-05-077.09-05-47.00-000. Council District 2. *Associated with Application S-13-03*.

Mrs. Melson-Williams gave an overview of the Architectural Review Staff Report dated February 21, 2013 that was included in the packet. She stated that included in the Staff Report were comments and recommendations. She stated that fences are limited to a height of four (4) feet in the front yard and in the corner visibility area a height of three (3) feet is required.

Representative: Mr. Garth Jones, Site Engineer for Becker Morgan Group LLC.

Mr. Jones stated that the property is owned by Mr. & Mrs. Boyles. There are currently three (3) residential apartments within the house. The owners wanted to construct off-street parking for the three (3) apartments. According to Code, seven (7) parking spaces are required. This includes two (2) parking spaces for each apartment and one (1) for a visitor. The parking lot would take access off the alley. Therefore, there would be no access to the parking lot from Elm Terrace or State Street. The parking lot is proposed to be asphalt paved. There is an existing sidewalk from the rear of the house along the front to South State Street. The applicant is also proposing to install a brick sidewalk and ornamental decorative four (4) feet fence along South State Street, Elm Terrace and along the alley until you reach the parking lot. The fence will be three (3) feet in the corner visibility area. The applicant is also interested in plantings along Elm Terrace to create a hedgerow to block visibility of the parking lot from the street. They plan to install Ink Berry Hollies. A lot of the overgrowth has been removed on the north side and this will allow the shrubs to grow into a hedgerow as well. They plan to keep the other area as lawn throughout the site. There is a place holder for a proposed accessory building that will be handled separately through a Building Permit process. He stated that they were in agreement with Staff Comments and Recommendations.

Chairman Scrafford asked if there were any questions.

Responding to Mr. McDaniel question if they would have the same type of Ink Berry shrubs on the north side of the lot, Mr. Jones stated that they were existing shrubs.

Mr. Scrafford recommended giving the area one (1) year to reestablish growth, instead of disturbing the area and planting new shrubs and then fill in where needed.

Responding to Mr. Salkin question if the eastern boundary of the property was the eastern edge of the District, Mrs. Melson-Williams stated that for this property it goes to the alley, but the church

yard is included in the District. The houses on Elm Terrace are not in the Local Historic District, but they do fall within the National Register Historic District.

Responding to a question from Mr. Salkin regarding the fence color and material in keeping with the character of the house if it was something other than black metal, Mrs. Melson-Williams replied there may not have ever been a fence at this location.

Responding to Mr. Scrafford question regarding if a recommendation could be made for the applicant to come back with additional information regarding the fence (for other than the black metal), Mrs. Melson-Williams stated that a recommendation could be made for something other than that. The *Design Standards and Guidelines* recommend wood picket fences, cast iron (black metal) fence, and wire fence, (but that does not mean chain link). She stated that a chain link fence and unpainted wood fence is not recommended.

Mr. Scrafford stated that instead of holding them to a black metal fence, maybe there could be some latitude.

Mrs. Melson-Williams stated that a suggestion could be made for them to look at a wooden fence or white vinyl fence option that we typically see installed today.

Responding to Mr. Scrafford question if there were any fences along Elm Terrace, Mrs. Melson-Williams replied no. The closest fence would be the brick wall of the Church and the northeast corner of South State Street and Water Street. It is a split rail fence around the Bradford and Loockerman House that also has a black metal fence for part of its frontage.

Responding to Mr. Salkin question regarding what was the rational for the fence; Mr. Jones stated that it was a request from the owner.

Mr. Scrafford stated that the owner would need to comply with the *Design Standards and Guidelines* if they wanted a fence other than what is required and to have it approved.

Mr. Salkin stated that if there needed to be a three (3) foot fence at the corner, it will need to be lower and have less than an architectural impact on the entire neighborhood and property.

Mr. Jones stated that you would not see the fence because of the height of the Boxwood Holly out front.

Mr. Scrafford declared the public hearing open.

Ms. Kathy Kosior – Resident of the Elm Terrace neighborhood and property owner at 12 Elm Terrace.

Ms. Kosior stated that Elm Terrace is residential and has a very narrow street. She stated that she moved into the area in 2003. She would like for the neighborhood to remain a residential zone. Her concern was parking (trucks parking on the grass) to avoid the vehicle being hit. A parking lot

is not a bad idea and would not be unexpected because the property is zoned residential and office. She questioned the seven (7) parking spaces and having parking stickers to park on the street.

Responding to Ms. Kosior question if with off-street parking would they be entitled to residential parking stickers, Mrs. Melson-Williams replied that it is administered through the City of Dover Customer Services and related to the Police Department. She was not sure of the rules if there was off-street parking on the lot or the eligibility for the residential parking permits. There are various areas in the Downtown where they are utilized and there is no off-street parking options, driveways, or other potential users using the on-street parking. Especially in the areas where there is 2-hour parking that allows for residents with the sticker to park longer.

Ms. Kosior's other concern was if the building was sold in the future. She stated that they do like the idea of the fence along Elm Terrace.

Responding to a question from Ms. Kosior if the fence could be taller than four (4) feet along Elm Terrace, Mrs. Melson-Williams replied that in the Historic District the *Design Standards and Guidelines* recommend a maximum height of four (4) feet all the way around. Under the provisions in the *Zoning Ordinance*, because the property is a corner lot that fronts on two (2) streets, the second front is eligible for fences more than four (4) feet in height. It goes to a side yard height limit which is 6 ½ feet.

Mr. Scrafford stated that there would be a lower fence on the northeast corner of Elm Terrace that would allow visibility and would not restrict visibility of cars exiting onto State Street.

Responding to Ms. Kosior question regarding the remainder of Elm Terrace in reference to Mr. Scrafford's comment, Mr. Scrafford replied that the remainder of Elm Terrace could be four (4) feet or lower. The applicant asked for four (4) feet except at the intersection. He stated that it was explained to him that the *Zoning Ordinance* allows for a corner lot to have one section higher than the other, but the Historic District Guidelines recommend four (4) feet all the way around. He was expecting that the decision to be made by the Historic District Commission is four (4) feet all the way around expect the corner which is three (3) feet.

Mr. Salkin stated that the Historic District Commission would not recommend going any higher.

Responding to Ms. Kosior question regarding run-off, Mr. Scrafford stated that as part of the design review any run-off would need to be as it was prior to the installation of the asphalt.

Mr. Jones stated that when they move through the process with Planning Commission and the final construction documents with the Planning Department they will require an approval from the Kent Conservation District for sediment and stormwater management.

Responding to Mr. Scrafford question if the only issue that had not been discussed was lighting and there was no lighting indicated in the proposal. He asked if this was correct, Mr. Jones replied correct.

Responding to Mr. McDaniel question if lighting was a requirement, Mr. Scrafford replied no.

Mr. Jones stated that included in the Staff Recommendations under Item #3 it notes that any light fixtures and poles utilized on the property for site lighting should utilize a black finish color.

Responding to a question from Ms. Kosior if lighting was a requirement for the parking lot, Mr. Scrafford replied no. He did not want to see a project of lighting that had not been addressed by the Historic District Commission.

Responding to a question from Ms. Kosior regarding approved landscaping, if it would be done the way it was approved, Mr. Scrafford replied it will be installed according to plans and inspected by the Planning Department to make sure it complies with the plans.

Mr. Alan George – Junior Warden for Christ Episcopal Church

Mr. George stated that they were supportive of the project.

There being no one else wishing to speak, Mr. Scrafford declared the public hearing closed.

Mr. Scrafford questioned if there were any questions, comments, or motion.

Responding to a question from Mr. Salkin if the proposal of the fence from the house on the State Street side would be four (4) feet and drop down to three (3) feet for the corner, Mr. Jones replied yes it would be four (4) feet all around and the corner visibility area will be three (3) feet unless there was a variance.

Responding to Mr. Fisher question if the fence could be tapered, Mr. Scrafford replied that it would need to be submitted and he would assume that the Planning Department would have the authority to decide if it was acceptable.

Mr. McDaniel moved to approve and to accept application HI-13-01 Lands of Boyles at 527-529 South State Street to include from page four (4), paragraphs #2-10 of the Staff Comments and Recommendations, seconded by Mr. Salkin and the motion was unanimously carried 4-0 (Mr. Jackson absent).

Commission Education Plan Worksheet from the Summary of Training Workshop on November 17, 2012: "Connecting With Your Community: Communication, Education and Outreach"

Mrs. Melson-Williams stated that the worksheet was part of the Preservation Delaware Workshop that she attended on November 17, 2012 that discussed communication and outreach of Historic District Commissions. The information gathered will be discussed at the March 9, 2013 Workshop. She was not sure how the information would be used.

Mr. Salkin stated that a lot of this would apply if the Historic District Commission had a budget.

Mrs. Melson-Williams stated that Commissions range in how they are funded and staffed. The worksheet plan was developed by people who work with the various Historic District Commissions in Maryland. They have an organization of the Commission that works on training efforts.

Mr. Salkin commented about the upcoming public meeting, and discussion about the Historic District Commission and the future. Most of the discussion has been in regards to the process and upon reviewing the workshop document the Historic District Commission do not do any of the items because of their narrow function. He thinks that the general public thinks that they do (outreach, education). He thought that it would be helpful in the orientation session at the public meeting to explain to the public what a Historic District Commission can be and do and what Historic District Commissions do elsewhere.

Mr. Scrafford asked if someone from the Planning Department could follow-up with Ms. Kosior concern regarding residential parking permits.

Mr. McDaniel stated that many of the people who live on The Green that have parking permits have off-street parking.

Mrs. Melson-Williams stated that the Planning Department will have the information in hand for the Planning Commission meeting.

Mr. McDaniel moved to adjourn the meeting, seconded by Mr. Fisher and unanimously carried (Mr. Jackson absent).

Meeting adjourned at 4:20 PM

Sincerely,

Maretta Savage-Purnell
Secretary