CITY OF DOVER
HISTORIC DISTRICT COMMISSION
JANUARY 17, 2013

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, January 17, 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, Mrs. Townshend, and Mrs. Purnell.

APPROVAL OF AGENDA

Mr. McDaniel moved for approval of the agenda with the addition of item #4 The Green as a National Monument under Communications and Reports, seconded by Mr. Fisher and the motion was unanimously carried 4-0. Mr. Jackson was absent.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF DECEMBER 13, 2012

Mr. McDaniel moved to adopt the minutes of the regular Historic District Commission meeting of December 13, 2012, seconded by Mr. Salkin and the motion was unanimously carried 4-0. Mr. Jackson was absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that included in the member packet was a Summary of Activities, Applications, and Architectural Review Certifications for 2012. There were seven (7) applications filed for 2012 that were considered by the Historic District Commission. There were forty-seven (47) different permits that required Architectural Review Certification. The number appearing before the Historic District Commission and the Planning Commission number will not match the total number of physical applications this year because some of the permits may be for applications from previous years that have now began their construction phrase of their project.

Responding to Mr. Salkin's question regarding the proposed project at the Woodburn property if any exterior work was included in any of the categories previously mentioned, Mrs. Melson-Williams replied there has been some activity at Woodburn and it has fallen under Staff approval with permits. There was some interior work done at the main house and garage. The solar panel project came before the Historic District Commission and is complete. The only exterior work was an improvement for handicap accessibility on the rear of the Hall House with a ramp system that was Staff Review only because it was not visible from Kings Highway.

Mr. McDaniel commented that when work was being done at the Kirk and Short building (21 The Green) they discovered some walls under the sidewalk with a vault. Responding to Mr. McDaniel's comment, Mrs. Melson-Williams stated that the site work for the new sidewalk improvement on the east side of The Green had some preliminary archaeological testing.

Mr. McDaniel also commented that when the temporary sally port and driveway was installed near the John Bell House four boxwoods were removed and the contractor stated that they were replaced, and he wanted to know where the replacement was? Responding to Mr. McDaniel, Mrs. Townshend replied that there has not been a Certificate of Occupancy for the renovation to the old side of the Courthouse. Mrs. Melson-Williams replied that there is less construction fencing around the building.

Also responding, Mr. Salkin stated that there is currently no landscape plan.

Mrs. Melson-Williams stated that included in the member packet was a series of information on workshops and training opportunities being held by Preservation Delaware and other partners throughout the State. She stated that Preservation Delaware is in the process of scheduling a second "Connecting with Your Community: Communication, Education and Outreach" workshop. She stated that a workshop may be scheduled for January 19, 2013, but she had not received any additional information. The next workshop would be Saturday, March 9, 2013 in New Castle, Delaware.

Pertaining to an update on the Legislative, Finance and Administration Committee January 14, 2013 Meeting agenda item: Discussion-Role and Scope of the Historic District Commission and Historic District, Mrs. Townshend stated that in the initial draft agendas listed an ordinance to eliminate the Historic District Commission. She stated that very quickly Council members realized that it may have been too specific in terms of what the issues were. She mentioned to Chairman Lynn to revisit the decision and look at how important it is to preserve our history. If everything went before the Planning Commission what would happen if something atrocious happened on The Green. She suggested holding a community meeting to allow people to express all different viewpoints. This would represent Dover as a whole. She committed to having a meeting by the end of February and report back to the Committee in March.

Mr. McDaniel stated that a letter was written a year ago supporting the Historic District Commission. Responding to Mr. McDaniel's question as to who was the first person to state that the Historic District Commission needed to be reviewed, Mrs. Townshend replied it was members of Council.

Mr. Scrafford questioned if the concern should have come from the Council to the Committee and if there was no sustainable vote then why is it being discussed. Mrs. Townshend replied that Code requires something that is an ordinance go on an agenda because the process starts at the Committee level and then goes to Council. According to the Code in order for a member of Council to bring forth an ordinance, it needs three (3) sponsors and it had three (3) sponsors.

Responding to Mr. McDaniel's question as to who the three (3) sponsors were, Mrs. Townshend replied that her recollection was Mr. Anderson, Mr. Bonar, and Mr. Lynn.

Mr. McDaniel stated that having attended the Legislative, Finance and Administration meeting he knows that it will take time. There will be a workshop. He stated that is someone needed to oversee the Historic District.

Chairman Scrafford stated that the preservation was decided a number of years ago and the Guidelines were written and part of the Guidelines was the Commission. He stated that the Historic District Commission is appointed by the Mayor and not the Council. He stated that they serve as a Commission to facilitate the implementation of the Guidelines. Responding to Chairman Scrafford's comments, Mrs. Townshend replied that the Commission is created by Code that is adopted by Council. She stated that there was in-depth discussion in regards to updating the Guidelines. She stated that part of the issue is that a portion of the community sees the Historic District Commission process as an obstacle and want to look at changes that will improve historic preservation and economic development.

Mr. Fisher questioned if examples were needed if the community was focusing on a developer complaint because the project did not break ground in a timely manner. Mrs. Townshend used the example of the Bayard Plaza, where the developer's architecture was approved with vinyl siding, because he made the case that the cost of the Hardi-board would drive up the cost of the building. Later, when the Building Code review determined that with the type of construction proposed, combustible materials were not permitted on the exterior, the developer came back with a proposal for Hardi-board finish. When a reason other than the Historic District guidelines required a change in materials, it was found to be financially feasible.

Responding to Mr. McDaniel's question regarding if the Historic District Commission approved the dry-vit on part of the Bayard Plaza building, Mrs. Townshend replied yes when it was going to be vinyl and the application came back before the Historic District Commission to remove the dry-vit and replace it with Hardi-board.

Mr. Salkin commented that he could not recall on any single case whereas an applicant came before the Historic District Commission properly prepared and did not receive a reasonable answer at the same meeting. There has been an application delay because the no additional information has come back to the Historic District Commission. He stated that the arguments that he has heard and is reading about in the paper don't hold any water. Some of the applications that came before the Historic District Commission with applicants rushing to begin the project have not even started.

Mr. McDaniel commented that majority of the time it is not the appearance of the building, but the economics.

Chairman Scrafford stated that if everyone complied with the Guidelines it would be easy for the Historic District Commission to make a decision. He sees the Historic District Commission as a facilitator as they support the developers, Planning Department, and other commissions to get an agreement between the builder and the Historic District Commission. When the agreement is not reached and the applicant is denied at the Historic District Commission level, then the applicant goes to Planning Commission and is approved. He does not agree that all of the problems are with the Historic District Commission.

Mr. Fisher suggested that the workshop be in a forum setting.

Responding to Mr. Fisher's question if the Historic District Commission meeting timeframe could

be closer to the Planning Commission so that the delay is reduced, Mrs. Townshend replied that there were applications that were fast tracked and special meetings held.
Mr. Salkin questioned as to why Councilman Lynn was only going to contact two (2) of the Historic District Commission members. He did not agree with that decision as the Historic District Commission members have the right to talk with any Councilman individually if they choose in regards to the ordinance and general conduct of the group, Mrs. Townshend replied that it would be business before the Commission for discussion and that it would not be done in the forum of a serial meeting.

Responding to Chairman Scrafford question as to why Councilman Lynn could not come in at one of the Historic District Commission meetings and talk with all the members or hold a lunch meeting, Mrs. Townshend replied that Councilman Lynn could attend a meeting. It would be a FOIA violation if more than three (3) members were present to have a lunch meeting on historic business, but she could contact the City Solicitor to verify.

Mr. Salkin stated that the Historic District Commission needed to have some discussion. He stated that he was very comfortable talking with anyone in the City in any capacity regarding the generic procedural issue and he intended to talk with someone.

Mrs. Townshend stated that she would correspond with Mr. Nick Rodriguez for clear guidance.

Mrs. Townshend stated that the National Monument is an effort that has been spearheaded by Senator Carper to work to get a National Park destination in the State of Delaware. Delaware is the only state and territory without a National Park Site. The two ways to become a National Park Service Site are a National Park which is a Congressional designation that goes through both houses of Congress. The second is through Executive Order which is the National Monument system. She stated that they are looking to take a number of sites that include the Woodlawn property, the Sheriff's House in New Castle, The Green in New Castle, and The Green in Dover, and Old Swedes Church and it would be called the First State National Park.

Responding to Mr. McDaniel's question if there were any sites downstate, Mrs. Townshend replied no.

Mrs. Townshend stated that the Conservation Fund had purchased the Woodlawn property and there is a February deadline. The Environmental Phase I and Title Search would include the lawn area only. A public hearing will be held at the Council Meeting on January 28, 2013 at 7:30 p.m. to determine if they (the City) will grant the easement to the Park Service.

Responding to Mr. Scrafford's concern regarding a problem when someone wants to do work on the street because there are utility lines, Mrs. Townshend replied that nothing will change in terms of the operation.

Responding to Mr. McDaniel's question if there would be reimbursement from the Federal government, Mrs. Townshend replied that there might be money for programing.

Mr. Salkin commented that the National Park Service does not want to get any more rights or

control to the property than necessary to accomplish the Monument destination. In order for The Green in Dover to be a part of the National Monument System there has to be a Federal property interest, Mrs. Townshend replied that it is a Historic Preservation Easement that would bind the City to manage The Green to the *Secretary of Interior Standards*.

Responding to Mr. Fisher questioned if there were any utilities under the grass area, Mrs. Townshend replied that the easement will need to identify any utility lines. Also responding, Chairman Scrafford replied that there are no utilities under The Green; they are located in the street.

Mr. McDaniel stated that the Historic District Commission is concerned about receiving information from the public in a timely manner and not when Council is trying to pass the bill.

Mr. Salkin stated that this will be written by the Department of Interior and will be signed by the President because it is not a legislative process. He also stated that it will not be in a Bill drafted by Senator Carper.

Mrs. Townshend stated that she spoke with Senator Carper's aide Ms. Lori James and informed her that majority of the property owners are lawyers. She stated that Ms. James would have information before the public meeting January 23, 2013. She also stated that the information is draft until it is signed.

Mrs. Townshend stated that she will keep the Historic District Commission updated.

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. Townshend stated that because of the City Ordinances such as the Historic District Guidelines, the Vacant Building Ordinance, and Building Code requirements they are not altogether. One of the concerns brought to her attention as it relates to the Historic District Commission was the church being better served if the building continued to fall into a state of disrepair and then it could go before Council as a dangerous building.

Chairman Scrafford did not agree with the suggestion and stated that the Historic District Commission could vote to demolish the building.

Mrs. Townshend further stated that the Guidelines do give standards.

Chairman Scrafford stated that additional information was needed to make a decision to the Guidelines.

Mr. McDaniel 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.

Mrs. Melson-Williams stated that the application was reviewed at the September 20, 2012 meeting. It is a request for a demolition of a building which requires Architectural Review Certification to demolish. The public hearing was conducted at the September 20, 2012 meeting and closed. The application was tabled until additional information was received regarding historic architecture of the building. Since that time Staff did an outline of what had transpired since September 20, 2012. During that time information was emailed to the applicant because they had requested information regarding Preservation Professionals and specifics about the *Design Standards & Guidelines.* The list of recommended architects was a reference to information that is publicly posted on the website for the State Historic Preservation Office. The entities are qualified under the category Professional Qualifications of Historic Architects that goes to *Federal Guidelines.*

Mrs. Melson-Williams further stated that in early December the property experienced a break-in and as a result several windows and doors were boarded. The incident was reported to the Historic District Commission at the December meeting. Also, in December the Property Maintenance Inspector of the City of Dover issued notice to the property owner regarding the Vacant Building Ordinance. A vacant building must be registered with the City and it also includes a fee. The registration allows for the City to keep track of vacant buildings and to make sure it is properly secured over time. The property is listed on the City delinquent tax list. There has been discussion in regards to the property being tax exempt.

Responding to Mr. Fisher's question if the church would be exempt from taxes, Mrs. Townshend replied that the church would be exempt from real estate taxes if the property is actively used for their charitable purpose and the parcels were consolidated.

Responding to Mr. Fisher's question that the property is not considered actively used at the current time, Mrs. Townshend replied yes.

Mrs. Townshend stated that the Vacant Building Ordinance requires that vacant buildings be registered. The fee for the first year is $250. She asked Code Enforcement Staff to hold the enforcement until a decision has been made regarding demolition or renovation. Also under the Vacant Building Ordinance the buildings are inspected regularly.

Representative: Paul Brown of Christ Episcopal Church.

Mr. Brown stated that the process within the Episcopal Church of administrative affairs is a slow because meetings are held once a month with the Board of Directors. The Church has contacted six (6) of the architects and three (3) of them have indicated an interest in estimating the cost of demolishing, replacing, or renovating the building. At the September 20, 2012 meeting the discussion of an estimated cost of replacing the building meeting current codes and guidelines would be $500,000 that the Church does not have. The Church has received two (2) walk-

through that included Architect and Structural Engineer. The church was told they would receive estimates within four (4) weeks. At the current time the Church as no final estimates, but is in the process of obtaining the information. He stated that the building could be replaced or renovated at an enormous cost. The Church has no use for the building and sees no need to renovate. If the Historic District Commission is still seeking the additional information, the church plans to have it within four (4) weeks.

Mr. Salkin stated that after the Historic District Commission's last meeting he thought in terms of the similarity of the historic addition to the John Bell House. A decision was made by the owner and the Historic District Commission to allow for the simple restoration of the oldest portion of the building. He stated that it would be advantageous to the applicant, City, and Historic District Commission to know the cost to renovate the entire structure, but perhaps there is an alternative that involves a partial demolition and a simple restoration with limited function that would be less expensive.

Mr. Brown stated that the church is gathering new information as they progress. There is a possibility that the rear section of the building is older than the front section. He stated that the rear section has no rooftop. He would like to have the building demolished as it is an eyesore and for public safety.

Mr. Fisher moved to retable the building demolition for application HI-12-06, located at 509 South State Street in order to comply with the previous meeting's decision seeking additional information in order to render a decision, seconded by Mr. Salkin and carried with three (3) yes. Mr. Jackson was absent. Mr. McDaniel was recused from voting on the application; however, he remained in the meeting.

Mr. McDaniel was also in agreement with the City postponing any additional fees for the vacant building.

Mr. Salkin commented that when people sell property that is inside of their jurisdiction there should be some requirement that they are advised they are acquiring property within the Historic District that comes under special ordinances. He stated that the church brought the house knowing it was in the Historic District. Applications come before the Historic District Commission because some other process other than the Historic District Ordinance is failing to intervene before the Historic District Commission. There should be some discussion about the items the Historic District Commission has seen in the last few years if there was a better ordinance, process, or procedure for something else that could eliminate the issue. Responding to Mr. Salkin's comment, Mr. Fisher replied that it would be a disclosure requirement for the Realtor.

Mr. Brown stated that there was a discussion before the house was purchased as to whether or not the potential buyer should come before the Historic District Commission before making the purchase. Responding to Mr. Brown, Mr. Fisher replied that this could have affected the purchase price.

Mr. Brown stated that the lot is configured whereas nothing could be put on it and it cannot be leased as office space. Responding to Mr. Fisher replied that it could not be office space because there are no parking spaces.

Mr. Scrafford stated that saving old properties gets very expensive because of the Guidelines.

Responding to Mr. McDaniel's question if the Historic District Commission as a body should go out and look at the properties, Mr. Salkin replied on occasions. Also responding, Mr. Scrafford replied that you need to appreciate what it is that you are trying to do and the purpose of saving a building.

NEW BUSINESS

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

Mrs. Melson-Williams stated that there was a "Commission Education Plan" worksheet from one of the items at "Connecting With Your Community: Communication, Education and Outreach" workshop that she attended on November 17, 2012. The workshop focuses on the Historic District Commission's current outreach and necessary improvements. All members present at the December 13, 2012 meeting was given the handout to review and discuss at a future Historic District Commission meeting as it was also included in their January packet.

Responding to Mr. Salkin question if it was mute, Mrs. Melson-Williams replied she was not sure if it was mute because some of the questions asked at the City of Dover Historic District Commission may lead to questions and the issues of the problems they are experiencing.

Responding to Mr. Salkin question if Mrs. Melson-Williams was asking each Historic District Commission member to complete the handout in order to consolidate the information into one response to someone else or is it an internal process to help the Historic District Commission members to think about the items, Mrs. Melson-Williams replied it is both. It will be utilized in the March workshop, but not quite sure how it will be used.

Mrs. Melson-Williams stated that the workshop will be held on March 9, 2013 and all members are welcomed to attend as she will be attending. She stated that the handouts should be completed by the next Historic District Commission meeting that will be held on February 21, 2013.

Mr. McDaniel moved to adjourn the meeting, seconded by Mr. Fisher and unanimously carried.

Meeting adjourned at 4:23 PM

Sincerely,

Maretta Savage- Purnell
Secretary