CITY OF DOVER
HISTORIC DISTRICT COMMISSION
FEBRUARY 17, 2011

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, February 17, 2011 at 3:00 PM with Acting Chairman McDaniel presiding (based on seniority of members present). Members present were Mr. McDaniel, Mr. Salkin, Mr. Fisher, and Mr. Jackson (arrived at 3:13 PM). Mr. Scrafford was absent.

Staff members present were Mrs. Melson-Williams, Ms. Cornwell, and Ms. Metsch. Also present was Mrs. Stephanie Hansen, Mr. Kyle Lampron, Mr. Greg Scott, Mrs. Cindy Yencer, and Mrs. Gail Tolpin.

Mrs. Melson-Williams stated that Staff has a request for an addition to the agenda. The City Manager has requested an opportunity to provide some information regarding the Dover Library project. She would suggest that this be inserted under Communications and Reports, Item #1.

APPROVAL OF AGENDA

Mr. Fisher moved for approval of the agenda as amended, seconded by Mr. Salkin and the motion was unanimously carried 3-0 with Mr. Scrafford and Mr. Jackson absent.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF DECEMBER 16, 2010

Mr. Salkin moved to approve the minutes of December 16, 2010 as submitted, seconded by Mr. Salkin and the motion was unanimously carried 3-0 with Mr. Scrafford and Mr. Jackson absent.

COMMUNICATIONS & REPORTS

Dover Public Library

Mr. DePrima stated that Staff finally has reached the point where they have bid out a contract with a construction manager, EDiS. The City will contract through the Construction Manager and they will do all the bidding. They have been going through the bid openings and actually received numbers back from the Construction Manager and the good news is that we are below budget.

Mr. DePrima further stated that since the time that we originally met with the Historic District Commission, we have taken a couple of things out of the interior of the library and will do them later. One of the things that was proposed to be taken out was the multi-purpose room. When you walk in the first door, the first floor of the east wing was a big meeting room. For cost savings they were going to fit-it out later. Since that time, we learned from some grants that were received that we need to fit out this room. While our bids were below budget, they were not that below budget that we can stick the fit-out of this room which is about $170,000 in under the budget. The Advisory Committee met today and one of the options that was looked at was taking out the stone bookends of the building and doing something different as a distinguished feature; however, not as expensive as the stone bookends. When we came to this Commission, the flavor was that the Commission wanted to see something that would break up the building and one of the ideas was stone. What they are proposing now to City Council is that they not do the stone and come back with some other brick pattern or color. What they can save by not doing these two stone bookends is equivalent to the multi-purpose meeting room.

Mr. DePrima further stated that he wanted to brief this Commission before they read this in the paper. As required, they will be coming back before the Historic District Commission to advise you of the exact treatment that will be selected.

Mr. McDaniel questioned when they come back will you have pictures that will show us what the change will be? Responding to Mr. McDaniel, Mr. DePrima stated that yes, they will as well as samples of brick.

Mr. McDaniel further stated that he would rather they save the money and do the fit-out on the interior. Responding to Mr. McDaniel, Mr. DePrima stated that they have some nice grants; however, a part of those grants is that they put some presentation material that is related to the Gates Foundation Grant. The idea was that they would fit this out later and would use the other meeting room which is an I/T type of meeting room. The I/T room, because of the grant, will now have to be dedicated to a job center, employment, and technology training room.

Summary of Applications 2005-2008 and 2009-2010

Mrs. Melson-Williams stated that most of the activity or projects that you saw in the time period from 2005 to 2008 have been completed. There are three (3) projects that are on-going. One is the State Street Commons and the majority of the building is finished; however, does not have a Certificate of Occupancy to date. The second big project that is still under construction is the Kent County Courthouse addition. It is anticipated that this project will be finished this spring. The third project is the John Bell House restoration which has an exterior for the building now and interior work is continuing to finish this project.

Mrs. Melson-Williams further stated that the second chart table covers the applications from 2009 to 2010. There have been a couple of updates since the issuance of this chart. The building at 301 S. Governors Avenue was demolished within the last week and the site has been stabilized. The deterioration was beyond repair and there were pieces falling off of the building. The Wesley United Methodist Church elevator and canopy addition project received Final Plan approval in January and they have filed a Building Permit which is currently under review. For the Bayard Plaza which is the Bayard Hotel site, Staff has received a Check Print and has been reviewing it which is part of the process to finalize the Site Plan. The Building Permit that came before this Commission for the New Jerusalem Baptist Church has siding work that is almost complete and there is just site clean-up work to be completed.

Mr. Jackson questioned if there were any plans for the building that was demolished at 301 S. Governors Avenue? Responding to Mr. Jackson, Mrs. Melson-Williams stated that she was not sure at this point. Under contract with the City, the building was demolished so there will be a process of liening this parcel for the cost of demolition. It was declared "Dangerous" by City Council as it moved through that process; it was not the property owner that took the action.

Mr. Jackson proceeded the meeting as Vice-Chairman at 3:18 PM.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

HI-11-01 Building at 326 West Loockerman Street: Building Demolition – Public Hearing and Review of an Architectural Review Certificate to allow Demolition of the existing commercial building at 326 West Loockerman Street. The property consists of one parcel of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone) and SWPOZ (Source Water Protection Overlay Zone). The property is located on the southeast corner of West Loockerman Street and South Queen Street. The owner of record is Dover Realty I. The property address is 326 West Loockerman Street. Tax Parce1: ED-05-077.09-01-74.00-000. Council District 4.

Representative: Mrs. Stephanie Hansen, Young, Conaway Stargett & Taylor; Mr. Greg Scott, Scott Engineering, Inc.; Mrs. Cindy Yencer, R&R Commercial Realty; Mr. Kyle Lampron, Ten Bears Environmental; and Mrs. Gail Tolpin, Co-Owner of Property.

Mrs. Melson-Williams provided an overview of the project.

Mrs. Hansen stated that on the property currently, there is one large building with an asphalt parking lot. It previously was a daycare known as Drop-A-Tot Daycare and a church. The property has been vacant since 2004. There was a failed attempt to re-develop the property in 2007 when we thought we were going to be able to sell it for re-development. The market took a turn on this property as it did with many others and it fell through. In 2009, the owners did get a number of citations from the City of Dover regarding problems with the building; for instance repair of the leaking roof, repair to replace the gutters, install the downspouts, and repair the side door. It is not just an issue of correcting the problems associated with the code violations; it is also what we need to do to bring the building back up to code so that it is useable. Instead of bringing it up to code, they would like to demolish the structure.

Mr. Scott stated that the existing building has a canopy that projects out towards Queen Street located on the western side of the site. As the building sits on the site, there is a portion of the site that is made up of concrete and the concrete sidewalk. Along the other side of the property is asphalt that runs to the edge of the property with buildings abutting it with an alley that runs in the rear of the property. Work has been completed in the front by the City of Dover over the years as part of the beautification program with brick pavers and sidewalk that was installed. There are a number of fence posts that are in the ground that consist of metal and wood that were placed there for the daycare that have been cut off to grade. There are foundation remnants that have been left on site from previous buildings that were there, as he believes that there was an old bus station at this location at one time. Originally, after it was a lumber yard, the Kent County Motor Company took it over for automobile sales. The building was in sections and was added onto over the years with wood beams and joists supporting the roof and later they built a configuration on the back of the building that was supported by steel for the roof.

Mr. Scott further stated that one of the things that they took a look at briefly; however, have not done an in-depth exploration on it or a structural analysis was that we were trying to determine what is underneath the structure. They determined that the front portion of the building has a concrete slab that is essentially at grade that butts up to the sidewalk with a parking area and then an entryway. Along the entryway is a wood floor where they gained access below and what they found was that the slab is about twelve (12) inches below the floor. From what he could see from

the building, they use to have some bays that entered into the building and then you get partway back into the building and the concrete drops off another six (6) inches and then runs level back to the slate with a little bit of a slope towards the rear of the building. There is some transition in the building and if they are looking at raising it what would they have when it is completed and what would be left. Until they take the wood floor up, they would not know what exactly would be there as they have a twelve (12) inch drop along the sidewalk and then another six (6) inch drop. The ground slopes from the front to the back by about a foot and a half to the back of the alley on both sides. The drop off could be anywhere from zero (0) to eighteen (18) inches.

Mrs. Hansen stated that should thought it would be a good idea to pass out a sample of the Sanborn Maps so that you could take a look at the history of what was built when. What she did was mark the corner of Loockerman and Queen Streets so that you know what you are looking at. The first map is from 1885 where you will see a lumber shed and a small office located at the corner of Queen and Loockerman Streets. When you move to 1891, it looks unchanged. When you move to 1897 and 1904 again, it looks unchanged. When you move to 1910, the lumber sheds appear to have been removed; however, the office still remains on the corner of the property. When you move to 1919, it looks like 1910. 1929 is where we see a change in that the office that was located at the corner of the property is now gone. In 1925, the property changed hands from James and Anna Sipple to the Kent County Motor Corporation. It stayed in the hands of the Kent County Motor Corporation from 1925 to 1969. On the 1929 map, if you take a look where it says "garage" and then into the roadway of Loockerman Street, you will see three (3) circles and next to each of those circles it says "GT" likely what this stands for is "gas tank."

Mr. Scott questioned if these gas tanks had an underground storage tank? Responding to Mr. Scott, Mr. Fisher stated that he would doubt it because they had a tank on the top of the pump like a water cooler that they used to pump the gas into the cars.

Mrs. Hansen further stated that when you move into 1951, here is where you will see where an addition was added onto the back part of the property. Also, you will notice between the buildings, which says auto sales, service, and on Queen Street, there are two (2) more small circles with "GT" labeled next to them. These could be gas tanks or may not be. When you move into 1970 which is the last map, it is a total mess; however, it looks like the footprint has remained the same.

Mrs. Hansen further stated that they have reviewed aerial photographs from 1961, 1977, and 1989 and it would appear that there is little change from what you see today on the property. The question you may have is what will the property look like once demolition has been completed? What they would like to do is demolish the building and leave the foundation and asphalt in place. The problem is that over the course of the environmental investigation that happened during the re-development as well as some environmental investigation before that, there are some problems on the property. DNREC is well aware of the problems and met with them prior to coming to this body. We explained to DNREC what we wanted to do with the property to get their take on what they would require. DNREC has issued a report on the property that states that they are not requiring any further investigation and clean up on the property unless the cap is disturbed. They are considering the cap to be the foundation of the building and the parking lot. They do not want us drilling through the foundation or through the parking lot until they can come back and finish up their environmental investigation and clean-up. The clean-up is generally tied to what will be

the use of the property after demolition.

Mrs. Hansen further stated that they want to be able to do what they can to take the building down, stabilize the property, and keep DNREC happy. They have not pierced the cap of the property; however, they will do what they need to do to for this Board as well. We currently have a parking lease with the NAPA business next door which is a month to month lease. NAPA is in charge of taking care of snow removal and clean-up of the property. They would also like to not have to put up a fence on the property. Conversations with the Dover Police Department have indicated that a fence is not something that they would like to see on the property. If there is a fence there, you would not be able to see behind the fence and there maybe some things going on that should not be; however, if you require a fence in certain areas, certainly we will do what is required.

Mr. Lampron stated that they completed some environmental work on the site back in 2007 on behalf of a perspective purchaser. Generally, what this entailed was drilling soil borings on the property in selected locations pretty much throughout the site to review subsurface conditions and facilitate the collection of soil samples and ground water samples for chemical analysis. In general, what they found was that the majority of the property looked good. What we had was some moderate environmental impediments on a portion of the property in the northeastern area that were at relatively deeper depths most often that was typically petroleum that was found. We did have polysychloaromatichydrocarbons at one of the locations; however, generally moderate environmental contamination. DNREC is comfortable with the way the site is being stabilized in that those impacts are separated from coming in contact with anything.

Mr. McDaniel stated that when you say hydrocarbons is this petroleum? Responding to Mr. McDaniel, Mr. Lampron stated that you can have it in petroleum; however, it is most often found in diesel fuel as a source. You can also get it from combustion as well. It is typically a combustion by-product or found in petroleum fuels.

Mr. Fisher questioned whether the drillings were done where the old gas tanks were found? Responding to Mr. Fisher, Mr. Lampron stated that they did drill around some of the tanks and there was some impact; however, do not know if they are related to the tanks or not.

Mrs. Hansen stated that they have been trying to market this property for a very long time as a re-development project. When that did not happen, they also thought about what it would take to rehab it. Shortly before Mr. Danneman passed away about a year or so ago, they had Mr. Albert Lambertson come out to take a look to see what it would cost to bring the property back up to use. The letter from Mr. Lambertson stated that it would take approximately $400,000 which was to do the HVAC, the roof, and the electric to rehab the building to bring it into use again. (A handout was provided that include the letter from Mr. Lambertson as well as site photographs.)

Mrs. Hansen further stated that as Mrs. Melson-Williams had mentioned, this is located within the Loockerman Street Historic District where there is a lot of 19th century buildings and at one time, the property did contain a 19th century building. The building that sits on the site now is a mixture of late 1920's, 1930's and then at some point, sometime before the 1950's the first floor has been drastically altered from what it looked like originally when it was built back in the 1920's. Even the second floor to a significant degree has been altered. One of the nice architectural significant pieces of the 1920s was the second floor with some brick work. It looks like they did some rehab

of the building on the second floor as the cornices are gone; however, some of the brick work remains in place at the cornices which is more significant.

Mrs. Hansen further stated that according to Mr. Lambertson and Scott Engineering, the building is structurally sound; however, the value of the building today is about $350,000 and it will take around $400,000 to bring it back up to something that is useable. The value at that point will not be $750,000. The value to bring it up to be useable and market it again is not going to approach what it will take to fix it up. We found in the past that having the building on the property has been the impediment to re-development. It is a great location on a great corner; however, having a building and having to demolish the building and go through the process that we are going through right now, has been an impediment to having it re-developed.

Mrs. Hansen further stated that this building is not a contributing structure because of the extensive alteration of the first floor storefront and cutting off the cornices of the second floor. This leaves the building with minor architectural value and is now not a building that contributes to the Historic District.

Mr. McDaniel questioned that after the building is gone and stabilization of the area, what will be there? Will you leave these floors as they go down? Responding to Mr. McDaniel, Mrs. Hansen stated that at this point in time, she thinks that the applicant would be able to leave the floors the way that they are; however, we recognize that this might not be a situation that you would be comfortable with. We will do whatever you require us to do.

Mr. Fisher stated that if you leave the wood floor, then you will have a step down which would become a liability issue. Will you place a ramp there to try and transition it? Would this be the plan? Responding to Mr. Fisher, Mrs. Tolpin stated that they want to make it as safe as possible. The things that we had talked about was filling it in with some dirt. Also, so that it does not cause a drainage problem, once it is filled, we would have to put in some type of geo-type of fabric underneath of the soil so that we do not get drainage into the area because it is supposed to be tight. DNREC does not want us drilling into it because they do not want it to drain.

Mr. Salkin questioned if the asphalt area would continue to be used as parking? Responding to Mr. Salkin, Mrs. Hansen stated that yes, it would be. She thinks that it is a good idea to keep people that are supposed to be on there on there to keep activity there.

Mr. Salkin stated that you mentioned that the redeeming architectural features on the outside have been compromised. Are there any architectural elements on the inside that would be salvaged? Responding to Mr. Salkin, Mr. Scott stated that there was nothing on the inside that he saw. There are some older timbers up in the roof framing on the front portion of the building. A number of them have water damage and some have termite damage.

Mr. Salkin questioned if there was any asbestos in the building? Responding to Mr. Salkin, Mrs. Hansen stated that there is a small amount of asbestos in the roof. There is a small amount of asbestos located in the mechanical flashing on the roof and would only cost about $800 to do the asbestos abatement.

Mr. Jackson stated that the reason that DNREC wants the cap to remain in place is that they fear that the groundwater will get down and help migrate whatever petroleum products or by-products are down in the ground. Responding to Mr. Jackson, Mr. Lampron stated that this could be a concern. Their main concern with the asphalt cap for the building is to create a separation barrier between people walking by the site or on the site from what soil is beneath as it could be impacted. There is also a double affect that it has with the use of rain water from infiltrating and taking whatever might be in the soils and hitting the groundwater where it can mobilize and move.

Mr. Salkin moved to close the hearing of HI-11-01, Seconded by Mr. Fisher and the motion was unanimously carried 4-0 with Mr. Scrafford absent.

Mr. Jackson opened a public hearing with no one present to speak.

Mr. McDaniel moved to close the public hearing, seconded by Mr. Fisher and the motion was carried 4-0 with Mr. Scrafford absent.

Mr. McDaniel moved to re-open the public hearing, seconded by Mr. Fisher and the motion was unanimously carried 4-0 with Mr. Scrafford absent.

Mr. Salkin questioned if Staff could give a quick review of Staff comments to see if our motion would simply be to move forward based on Staff comments?

Responding to Mr. Salkin, Mrs. Melson-Williams stated that Staff comments with regards to the first one deals with reference to the *Design Standards and Guidelines,* the criteria that you would need to consider. Staff noted that the applicant may provide additional information at the meeting today and you have heard that. The other items under #1 (a) and (b) we note that the demolition may be warranted and in Staff's opinion due to the condition of the building and the integrity of the original building has been compromised. Item #2 in reference to documentation or recordation of the building, we note that there was some existing photographs taken of the exterior and you could certainly deem that additional documentation would be necessary. That would be up to the Commission. Staff Item #3 talks about items related to demolition and what then happens with the property. Staff comments look to what is the site stabilization if the building goes away. The three things that Staff focused on was the building foundation or slab, pavement, is this going to remain, should there be any landscaping elements that are added to the property, and then the question of fencing the property. Timeframe was also a question and you have heard that they wanted to take action sooner rather than later. You have heard a little regarding the eastern portion of the property which they hopefully continue to use as parking. Also, note the environmental issues of what has been done on the site and what should remain prior to any future re-development. The advisory comments that we then list are fairly standard; however, if the project changes it would require review again. We have made them aware of the requirements for a demolition permit and that the demolition permit would have to meet any of the conditions that you establish as part of your action today.

Mr. Salkin stated he had a question for Staff regarding 3(c) where it makes reference to ensuring that appropriate traffic control measures, etc. if necessary. He is not sure that this is our area of expertise. Are you suggesting that you feel that there is a need for this and are you advising us to include that or is that up to the applicant? Responding to Mr. Salkin, Mrs. Melson-Williams

stated that regarding the management of the parking area that she could not tell from the photographs if it is adequately striped for individual parking spaces out on the site; it does not look like it. There is a pattern to where people park given that there are two (2) entrances that come in off of Loockerman Street. If you feel that additional striping should occur to assist folks in finding a proper place to park, you could look to those recommendations.

Mr. Fisher questioned with regards to any plantings, he would assume that there certainly will be no in-ground plantings because there will be no ground to plant in. Is there any intention to place potted plants on the site after demolition? Responding to Mr. Fisher, Mrs. Tolpin stated that there is none planned at this point.

Mr. McDaniel stated that he is in favor of this project with the caveats that the documentation/recordation would be purposeless at this stage since the pictures that were supplied in their packet are much better. They do not want to place fencing on the site. With regards to striping, there was no striping before so he does not feel that they would need it now. He does want to include in a motion the stabilization of the ground so that the site does not look like a building has been torn down and walked away from.

Mr. Salkin stated that he would agree. He likes the suggestion of Staff with regards to #3(a)(iii) where it gives an example of short posts with roping that would be very low. He feels for safety and especially aesthetics, some simple fencing would be more pleasing than an empty lot without any perimeter definition would be positive and does not have to cost much. This will delineate it and make it look like it is not a vacant lot.

Mrs. Tolpin stated that the issue with putting posts in the ground would be that we would have to dig into the ground and DNREC will not want us to do that. Responding to Mrs. Tolpin, Mr. Salkin stated that we could place in the motion subject to approval of appropriate agencies.

Mr. Scott stated that if you were talking about the building, the idea was to utilize the stem wall of the building to put posts in; however, if you are going out to the perimeter of the property that would be problematic. They have posts that were placed there in the past; however, DNREC does not want us disturbing the soil.

Mr. Salkin stated that if there is no objection from other Board members, his suggestion would be to make this recommendation subject to your design and approval by Staff and to DNREC's concurrence. Responding to Mr. Salkin, Mrs. Tolpin stated that she would agree having something there that is pleasing to the eye and how definitive is definitely something that they would try to aim for or would do.

Mr. Salkin moved to approve HI-11-01 Building located at 326 West Loockerman Street: Building Demolition in accordance with Staff recommendations with the provision that there be some sort of low fence like barrier along the perimeter of the property, around the building, and other areas determined by the owner and subject to the approval of DNREC. The demolition would not be subject to any additional recordation and demolition is approved with the understanding that the depressed areas of the foundation would be brought up to grade, seconded by Mr. McDaniel and the motion was unanimously carried 4-0 with Mr. Scrafford absent.

Mrs. Melson-Williams stated Staff, on behalf of the Historic District Commission, will work with you (the applicant) on fence design options for the site. Your next step would be making application for the demolition of the building which would include the information on any proposed fence-like structure and leveling and grading of the site in relation to the areas of level slab that appear on site.

Mrs. Tolpin questioned if there was a way, because she thinks some of the work cannot be established until we see how it all settles in once it is demolished, on how it would look appropriate? Is this included in the plan? Responding to Mrs. Tolpin, Mrs. Melson-Williams stated that the Demolition Permit can give your initial ideas for stabilization and should demolition necessitate something alternative than that, Staff can work with you through the demolition process to address that.

ONGOING PROJECTS

Discussion of the Project to Evaluate and Update the "*Design Standards and Guidelines for the City of Dover Historic District Zone*"

Mrs. Melson-Williams stated that with regards to discussion of the *Design Standards and Guidelines,* Staff does not have anything to bring forward to you today. There will be a meeting in March and by then you may actually be seeing some sample text for review.

Mrs. Melson-Williams further stated that Staff is working on the heart of the *Zoning Ordinance,* Article 10 that describes how all the various processes work. Included in that is how the Historic District Commission works and the whole Architectural Review Certification. This updated section will be presented to you at the March meeting. This has to go through public hearing with the Planning Commission and City Council because it is an amendment to the *Zoning Ordinance.* There are some items that need clarification such as when Staff has the ability when the Historic District Commission has the authority and when you make a recommendation to the Planning Commission with who has the ultimate authority. Staff is also anticipating to do some changes to the public notice requirements for all types of applications.

Mr. McDaniel moved to adjourn the meeting, seconded by Mr. Salkin and the motion was unanimously carried 4-0 with Mr. Scrafford absent.

Meeting adjourned at 4:13 PM

Sincerely,

Diane Metsch
Secretary