

Minutes
Baltimore County Landmarks Preservation Commission
February 8, 2018 Meeting

Call to order; introduction of Commission members; pledge of allegiance to the Flag; statement of purpose and operating procedures

Ms. Nancy Horst, Vice Chairperson, opened the regular monthly meeting of the Baltimore County Landmarks Preservation Commission (LPC) at 6:00 p.m. The following Commission members were:

Present

Ms. Carol Allen
Ms. Rose A. Benton
Mr. C. Bruce Boswell
Mr. Louis Diggs
Ms. Faith Nevins Hawks
Mr. Ed Hord
Ms. Nancy W. Horst, Vice Chair
Mr. Mitch Kellman
Ms. Wendy McIver
Mr. Stephen P. Myer
Mr. Qutub U. K. Syed
Mr. David Thaler
Mr. Richard Yaffe

Not Present

Mr. Robert P. Brennan, Chair

Attending County staff, Jeff Mayhew (Deputy Director, Department of Planning), Teri Rising (Preservation Services staff) and Kaylee Justice (Secretary to the Commission).

1. Review of the Agenda

Ms. Rising reported there was one item added to the Preliminary Agenda published February 1, 2018.

2. Approval of the Minutes

Ms. Horst asked if anyone proposed changes to the January 11, 2018 Minutes. Hearing none, Ms. Horst called for a motion to approve the Minutes as drafted.

Mr. Myer moved to approve the Minutes as drafted. Ms. Allen seconded the motion, which passed with affirmative votes being cast by Ms. Allen, Ms. Benton, Mr. Diggs, Ms. Hawks, Mr. Hord, Ms. Horst, Mr. Kellman, Mr. Myer, Ms. McIver, Mr. Syed, Mr. Thaler and Mr. Yaffe. There were no dissenting votes.

3. Consent Agenda

Ms. Rising read the Action Recommendation for Consent Agenda Items 5 & 6.

Ms. Horst called for a motion. Mr. Syed moved to approve the consent agenda items as presented. Mr. Thaler seconded the motion, which passed with affirmative votes being cast by Ms. Allen, Ms. Benton, Mr. Boswell, Mr. Diggs, Ms. Hawks, Mr. Hord, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, Mr. Syed, Mr. Thaler, and Mr. Yaffe. There were no dissenting votes.

Items for Discussion and Vote

4. “Bachelor’s Hall”, (Woodland Farms-Prochaska Property) House, Springhouse, Cemetery and setting, 4425 Painters Mill Road (aka 8870 McDonogh Road) [County Council District #4]

Ms. Rising gave an overview and background information on the requested Nomination.

Mr. Larry Schmidt, representative of the nominator, explained that the nomination is set on 3 criteria of the County Code which include the association with the Owings Family, the distinctive example of architecture of the original period and evolution of family property over the years, and that the property will yield sufficient educational information in the future or archeological materials that are important to history. He continued to share that there were as many as 44 enslaved people on the property in the past. Mr. Schmidt went into detail on the task of the Commission which would be to apply the County Code and criteria to the nomination. He shared that the Owings Family had lived on the property for several generations and in the 1990’s the project was the subject of study and received an MHT number. He stated that at the time, the MHT number was sufficient enough to protect the property and the family was under the understanding that the property was protected. Mr. Schmidt ended by stating he felt the property met all 3 of the criteria.

Ms. Maura Godinez, nominator, shared the history of the ownership of the property. She shared that she grew up on the property and feels that the property is a unique and representative example of the communal Baltimore County history and we have an opportunity to preserve it. Ms. Godinez went on to share the agricultural history of the property and the history of the house. She added that enslaved individuals once lived on the property and are likely buried on the site and that elements in the house may have been created by the enslaved people.

Mr. Tom Liebel of Marks Thomas Architecture Firm gave an overview of his professional background. He shared that for over 250 years there was continuous custody of this parcel by a single family. Mr. Liebel continued to share that although the property has been altered over time, the alterations have all been consistent with the history of the building and there are very few other historical agricultural examples in the County of this type. He added that although there has not been a great deal of archaeological research on the property, an array of items have been found and many additional archaeological resources are likely to be found on-site.

Mr. Boswell shared that a Technical Committee went out to the property last spring and were denied access to the interior. Mr. Boswell shared that from peering into the windows that the house appeared to be a more modern building and he felt the property was largely rebuilt in 1964 and very little of the original fabric was left. Mr. Boswell questioned Mr. Liebel on the age of areas of the house.

Mr. Liebel shared that he was able to enter the house and gave an overview of the age of different areas of the house as outlined in their materials.

Mr. Diggs questioned the use of the Tenant House that was once on the property and if the Tenant House was used by slaves.

Mr. Thaler questioned any effort to protect the property other than the MHT number. He also asked if any archaeology was done on the property and if any history of the enslaved persons on the property existed.

Mr. Yaffee questioned whether or not there was an attorney involved with the sale of the property and the price of the sale when it was sold to McDonogh School.

Ms. Godinez shared that the tenant house does not appear on tax documentation until 1911. She continued to express that her family was under the impression that the property would be protected and used for educational purposes. She shared that she believed an attorney was involved in the sale.

Mr. Schmidt went into detail about the covenant of the cemetery on the property. He shared that he is not aware as to why a covenant was not placed on the house during the development proceedings and that no archaeology other than a penetrating radar study on the cemetery was done on the property.

Mr. Syed stated that when he was on site he felt as though many substantial changes had been made to the house.

Mr. David Karceski, representing the property owner, introduced the history of the sale of the property. He clarified that no covenants had been made on any structures on the property aside from the cemetery. He indicated that the appearance and architectural

character has changed dramatically over time. Mr. Karceski continued to introduce Ms. Kate Kuranda and Dr. Christopher Goodwin who would offer testimony.

Ms. Kate Kuranda of R. Christopher Goodwin & Associates gave a presentation sharing the 5 criteria of which she felt were not met on the nomination of the property. These criteria included the association with a group or event of historical importance, a distinctive example of an architectural style or period, a good example of work, work of notable artistic merit, and yielding information or materials important in history. Ms. Kuranda stated that the current architectural character of the site is a result of aggressive renovation and demolition.

Dr. Christopher Goodwin, professional archaeologist, stated that no empirical data has been provided to support that important historical information has been yielded or is highly likely to be yielded from the property. He continued to state that demolition debris is useless for archeological purposes and that the demolition on the property has destroyed the archeological context. He supported that the criteria introduced by Ms. Kuranda were not met on the property.

Ms. McIver questioned if the cemetery on the property was included in the 5 acres and requested to know the amount of land in which the cemetery takes up. Ms. McIver continued to question the need for T. Rowe Price to utilize the land. Ms. McIver added that the Owings Family is a very historically significant family.

Mr. Karceski stated that by deed restriction the cemetery cannot be disturbed and that it is made up of less than an acre. He continued to share that the acreage is important for sustaining the T. Rowe Price campus.

Mr. Mark Rhue, representing T. Rowe Price, shared that they paid a price based on the highest and best value of the land and the acreage is of value to T. Rowe Price and they also felt should benefit from the highest and best use of the land.

Ms. Rising offered points of clarification conveying that archaeological criteria were not referenced in the staff recommendation. She indicated that in addition to the cemetery covenant, the cemetery is protected by State law and family access to the site is legally required.

Mr. Hord stated that the fabric of the house should be the determining factor in whether or not the property should be nominated.

Ms. Allen added that there are very few historic houses that are fully intact and just because a dwelling is placed on a Preliminary list, it does not mean that it will be landmarked.

Mr. Boswell shared that there is little of the original fabric of the house left to convey a historical message.

Mr. Thaler agreed that there was little left of the original fabric of the house.

Mr. Diggs questioned the amount of land that T. Rowe Price would gain from the area of the house.

Ms. Godinez added that a portion of the property is already protected by forest buffer.

Mr. Thaler moved to vote not to place the property on the Preliminary Landmarks List. Mr. Syed seconded the motion which passed with affirmative votes being cast by Ms. Benton, Mr. Boswell, Mr. Hord, Mr. Kellman, Mr. Syed, Mr. Thaler, and Mr. Yaffee. Dissenting votes were cast by Ms. Allen, Mr. Diggs, Ms. Horst, Ms. McIver, and Mr. Myer. Ms. Hawks recused herself.

Citing Baltimore County Code, Section 32-7-302

Mr. Diggs left the meeting at the 7:50 PM mark

- **5. Francis property, 510 Sudbrook Lane, contributing structure in the Sudbrook Park County Historic District, MIHP #BA-0159; request to extend existing asphalt driveway and installation of a ground level under side porch door [County Council District #2]

Approved via the Consent Agenda to issue a Certificate of Appropriateness.

Citing Baltimore County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Porches & Steps, p. 6; Fences & Landscape, p. 3.

- **6. “Gays Good Fellowship” house, 2000 Cromwell Bridge Road, Final Landmarks List #351, MIHP #BA-1754; request for Pt. II in-kind roof replacement. [County Council District #3]

Approved via the Consent Agenda to issue a Certificate of Appropriateness.

Citing County Code, Sec 32-7-403; Sec 11-2-201.

- 7. 218 West Seminary Avenue, Lutherville, Contributing structure in the Lutherville County Historic District; request for 2 story rear addition- extensive rehabilitation. [County Council District #3]

Ms. Rising gave an overview of the request and introduced the Technical Committee report. Ms. Rising stated that she had also shared the application with the Lutherville Advisory Committee.

Mr. Boswell commented on the roof-line of the addition suggested that the technical aspects of the drawings were incorrect. He indicated that the addition should be subservient to the original structure. He shared concern with the ridge line, stating he felt if the ridge line were to be carried over it would become too prominent of an addition.

Mr. Myer confirmed that the plan is to carry the same slope of the roof onto the addition. Mr. Myer indicated that the drawing did not depict the plan that had been described by the petitioner, clarifying that the addition is inset to the original house.

Mr. Christian Walsh, applicant, stated that the addition would not be visible from the road.

Mr. Hord indicated that the dimensions on the submitted plans are incorrect.

Mr. Russ Irvin, TDH Landscaping, shared that the addition should be the height of the original roof line in order to maximize the ceiling height in the addition.

Mr. Boswell stated that if the ceiling height is an issue, it forces the addition to be of the same height and he withdraws his previous points of concern. Mr. Boswell continued to ask if there was a surface coating on the siding. He questioned the petitioner on the choice of siding.

Mr. Walsh indicated there was a coating and the outward appearance is similar to a fiber cement hardie. Mr. Walsh continued to share that there were health concerns with the installation of alternative products.

Ms. Allen moved to vote to issue a Certificate of Appropriateness. Mr. Thaler seconded the motion which passed with affirmative votes being cast by Ms. Allen, Ms. Benton, Mr. Boswell, Ms. Hawks, Mr. Hord, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, Mr. Syed, Mr. Thaler and Mr. Yaffe. There were no dissenting votes.

Citing County Code, Sec 32-7-403 and Baltimore County Historic Design Guidelines: Windows & Doors, p. 2, p. 5, pp. 7-8; Roofs, p. 8; Façade Materials, p. 7 Additions & Infill, pp. 2-4; Fences & Landscape, pp. 3-4.

8. O'Haro property, 5008 Cedar Avenue, Empty lot remaining after previously existing contributing structure was destroyed in a fire, Relay County Historic District; request for In-fill construction of a two story house with brick veneer and vinyl siding front façade, vinyl siding elsewhere and two bay side loaded attached garage. [County Council District # 1]

Ms. Rising gave an overview of the request. Ms. Rising stated that new materials had been submitted by Mr. O'Haro after the deadline. She also added that these materials had not yet been reviewed by staff but had been placed in the Commission binders.

Mr. O'Haro gave an overview of the revised plans. He confirmed that revision 3 shown in the package was the final revision.

Mr. Boswell and Mr. Hord questioned the absence of the rear and left elevations.

Mr. O'Haro shared that he has been working with staff and an architect to make changes to the property as suggested at the previous LPC meeting in which the property was discussed. Mr. O'Haro did not have the rear and side elevation changes or site plan to share with the Commission.

Ms. Rising shared that the Commission had the opportunity to form a Technical Committee to review the plans and issue a Certificate of Appropriateness.

Mr. Howard Wellman, resident in Relay Historic District and liaison to Relay Improvement Association, commented on the revision stating that he had not seen the new proposal but based on previous revisions, households in the neighborhood had concerns about the size and placement of the dwelling on the lot. He shared that no materials had been submitted that demonstrated where the house sits on the lot. He also shared concerns of the neighbors that inclusion of the garage in the floorplan would make the house larger than if the garage were to be detached and set back.

Ms. Benton agreed that having a detached garage would be more appropriate.

Ms. Horst shared that the property is a very prominent lot and that, being familiar with the lot, she had concerns with the size and placement of the house. She shared that she does not feel an informed decision can be made without a site plan.

Mr. Hord shared that he did not feel the removal of the garage would significantly decrease the size of the house.

Mr. Thaler moved to vote to delegate the responsibility of reviewing and approving the issuance of a Certificate of Appropriateness to a Technical Committee composed of Mr. Boswell, Mr. Brennan, and Mr. Hord. Mr. Hord seconded the motion which passed with affirmative votes being cast by Ms. Allen, Ms. Benton, Mr. Boswell, Ms. Hawks, Mr. Hord, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, Mr. Syed, Mr. Thaler and Mr. Yaffe. There were no dissenting votes.

Citing Baltimore County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Additions & Infill.

9. Liebman property, 5010 Tulip Avenue, non-contributing structure in Relay County Historic District; request for ex post facto approval for construction of semi-attached shed and small mud room and installation of fencing. Code Enforcement Citation # CB1800056. [County Council District #1]

Ms. Rising gave an overview of the request which resulted from a Code Enforcement complaint.

The applicant was not in attendance.

Mr. Howard Wellman of Relay shared that he had initiated a conversation with the landowner on the project. He indicated that the Relay community had no concerns other than obtaining approval for the work.

Mr. Thaler moved to vote to issue an ex post facto Certificate of Appropriateness. Mr. Myer seconded the motion which passed with affirmative votes being cast by Ms. Allen, Ms. Benton, Mr. Boswell, Ms. Hawks, Mr. Hord, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, Mr. Syed, Mr. Thaler and Mr. Yaffe. There were no dissenting votes.

Citing Baltimore County Code, Section 32-7-403 and Baltimore County Historic Design Guidelines: Additions & Infill, p. 7; Fences & Landscape, pp. 4-5.

Other Business

Fort Howard-

Ms. Rising explained the purpose of including the Federally owned Veterans Hospital at Fort Howard on the Agenda and the rule of procedure for Landmark Nominations rejected by staff. She explained that when nominations for State and Federal properties had been submitted in the past, the Baltimore County Office of Law advised against holding public hearings on them because the Commission does not have the authority to enforce the provisions of the Landmarks law in regard to State and Federal property. She shared that the general rule in Maryland is that the State is not subject to local zoning laws unless the General Assembly has clearly indicated its intention that the State be bound to them, such as the State law that makes MTA's facilities subject to local zoning. She indicated that Federal supremacy protects the legitimate activities of the United States from regulations by state and local authorities and that, consequently, staff advised the applicant that a hearing for the property would not be scheduled. She conveyed that the Landmarks Preservation Commission rules of procedure allow the applicant submitting the nomination to provide testimony in response to the rejected nomination. She shared that Attorney Mike Field has requested time to further examine the issue so he can refine the research he performed previously in order to provide the Commission with a more comprehensive answer at the next meeting.

Mr. Thaler shared that as he understands we have no authority over the property and therefore the Commission should not comment on the issue.

Ms. Benton added that the property is at risk and the situation is more involved than from the standpoint of a nomination.

Mr. Hord questioned if the property was for sale to a developer.

Mrs. Rising clarified that the land use issues with the property are not for the Commissions consideration and should be raised in another venue. She added that the property was under an Enhanced Use Lease between the VA and the Developer.

Ms. Horst moved to adjourn the meeting. Mr. Hord seconded the motion which passed with affirmative votes being cast by Ms. Allen, Ms. Benton, Mr. Boswell, Ms. Hawks, Mr. Hord, Ms. Horst, Mr. Kellman, Ms. McIver, Mr. Myer, Mr. Syed, Mr. Thaler and Mr. Yaffe There were no dissenting votes.

The meeting adjourned at 8:39 p.m.

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