

Minutes
Baltimore County Landmarks Preservation Commission
October 8, 2015 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 6:15 p.m. The following Commission members were:

Present

Ms. Nancy W. Horst, Vice-Chair
Ms. Rose A. Benton
Mr. David J. Bryan
Mr. Louis Diggs
Ms. Faith Nevins Hawks
Mr. Mitch Kellman
Mr. Stephen P. Myer
Mr. Christopher S. Norman
Mr. Richard Yaffe

Not Present

Mr. Robert P. Brennan, Chair
Ms. Carol Allen
Mr. C. Bruce Boswell
Mr. Ed Hord
Mr. Qutub U. K. Syed
Mr. David S. Thaler

Attending County staff, Teri Rising (Preservation Services staff), and Vicki Nevy (Secretary to the Commission).

Ms. Horst determined there were not enough members present for a quorum. Being notified two members were delayed, Ms. Rising suggested matters not requiring a vote be reported or discussed initially and matters requiring a vote could be considered once a quorum is reached.

The following historic property tax credit application was reported as approved by staff as either an emergency repair or due to the receipt of Part II approval for work reviewed by MHT:

Nenortas property, 327 Hopkins Road, contributing structure in the Rodgers Forge National Register Historic District; replacement of existing oil boiler with natural gas boiler to include replacement of cast iron pipes and flue with copper pipes and suitably sized flue and disposal of existing oil tank [County Council District #5]

Other Business

Ms. Rising reminded the Commission that the house at Shaw's Discovery was previously cited with various code enforcement issues due to deteriorating conditions. The owner had been directed to address those issues under specific conditions. The direction allowed the structure to be "mothballed" for an agreed upon time which expired May 1, 2015. The property owner subsequently requested an extension of time to create a lot line adjustment. At the May 14, 2015 meeting of the LPC, the Commission determined the structure had been suitably "mothballed" to accommodate additional time for the creation of a separate parcel. That extension of time expired September 14, 2015.

Ms. Patsy Malone addressed the LPC as a representative of MCS Edgemere LLC and offered a brief history of the original development plans for the more than 200 acre site. Those plans included using the house as a caretaker's residence. The development plans were tabled as a result of a general economic downturn. Subsequently, plans were being made to create a separate lot for the house so a new owner could take possession and take advantage of tax credit programs to renovate the house. The separate 3 acre lot has been successfully created, however, the proposed and anticipated transfer of ownership transaction will not be occurring.

Ms. Malone stated her client agreed to a staff proposal to have a Technical Committee re-visit the site for the purposes of re-evaluating the structure's ability to prevent further deterioration.

Ms. Rising confirmed staff's proposal for a Technical Committee to re-visit the site, re-access conditions and direct the current owner to take action as may be needed and required to further mothball the structure for a longer term.

Ms. Trish Bentz, representing the Preservation Alliance of Baltimore County, addressed the LPC and asked a question of Ms. Malone with regard to a transfer of ownership she had thought was to have occurred. Ms. Malone offered to possibly address the question outside of the LPC meeting.

Ms. Rising noted staff would make arrangements for the Technical Committee to re-visit the site.

Ms. Rising reported the National Park Service has accepted the application for the addition of "Long Island Farm" to the Network to Freedom National Historic Trail. She explained the application process and noted "Long Island Farm" joins Hampton Mansion and the Gorsuch Tavern as sites included on the Network to Freedom National Historic Trail. The application was filed with the full support of the current owners of the property.

Both Ms. Nevins-Hawks and Ms. Horst commended Ms. Rising for her thorough research, preparation and presentation of the successful application.

Ms. Rising reminded the LPC that the Fall Retreat is scheduled for Thursday, October 22, 2015 from noon to 3:00 p.m. at the former Cherry Hill Church. She explained a representative of the Maryland Department of Planning will be speaking on the subject of hazard mitigation and a

County Building Inspector will be speaking on the subject of County code enforcement procedures.

With the arrival of David Bryan at approximately 6:42 p.m., a quorum was reached and agenda items requiring a vote commenced.

1. **Review of the Agenda**

Ms. Rising noted there were no changes to the Preliminary Agenda published October 1, 2015.

2. **Approval of the Minutes**

Ms. Horst asked if anyone proposed changes to the September 10, 2015 Minutes. Hearing none, she called for a motion to approve the Minutes as drafted. Mr. Diggs moved to approve the Minutes. Mr. Myer seconded the motion, which passed unanimously on a voice vote.

3. **Consent Agenda**

Ms. Rising read the Action Recommendations for Consent Agenda Items 4 and 5.

Ms. Horst called for a motion. Mr. Myer moved to approve the consent agenda items as presented. Mr. Diggs seconded the motion, which passed unanimously on a voice vote.

Items for Discussion and Vote

- **4. “Avalon”, Pometto/Adams property, 309 Gun Road, Halethorpe vicinity, Final Landmarks List #228, house and setting; Part II application review for the in-kind replacement of 23 existing aluminum storm windows [County Council District #1]

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

Citing County Code Section 32-7-40, County Code Section 11-2-201 and Historic Design Guidelines: Windows & Doors, page 2 and page 4.

- **5. Weikert property, 606 Dunkirk Road, contributing structure in the Anneslie National Register Historic District; Part II application review for the in-kind repair/replacement of

the existing front porch floor, joists and beams and clean/paint shutters, front porch and exterior of the house [County Council District #5]

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

Citing County Code Section 11-2-201 and Historic Design Guidelines: Windows & Doors, page 6; Porches & Steps, pages 3 and 4; Façade Materials, page 7; Preservation Brief #47 Maintaining the Exterior of Small and Medium Size Historic Buildings, Section Exterior Walls

6. “Bacon-Crosby House”, Hawks property, 2939 Monkton Road, Final Landmarks List #62 and contributing structure in the My Lady’s Manor National Register Historic District; Part II approval for the installation of interior storm [County Council District #3]

Ms. Nevins-Hawks indicated she was available to answer any questions posed regarding the application and stated she would recuse herself from the vote.

Ms. Rising explained the applicant is asking for approval for a Part II Tax Credit application for installation of interior storm windows. She advised the Historic Design Guidelines and Secretary of the Interior’s Standards permit the installation of interior storms with the understanding that the storm window is visually consistent with the materials of the historic fabric and that the muntin profile matches that of the historic window. The windows should also be installed so that a seal is created on the interior storm to allow some ventilation around the primary window so that moisture does not become trapped and cause deterioration of the historic window.

Mr. Myer moved to vote to issue a Certificate of Appropriateness using an installation method consistent with Preservation Brief #9. Mr. Bryan seconded the motion. Ms. Horst asked if there was any discussion and hearing none, called for a vote.

Mr. Kellman arrived at approximately 6:50 p.m.

It was brought to the attention of Ms. Horst that Mr. Michael Ruby had signed up to speak. Ms. Horst recognized Mr. Ruby without the benefit of the sign-up sheets and invited Mr. Ruby to speak. Having not passed the sign-up sheets at the beginning of the meeting, Ms. Nevy did so at this point.

Mr. Ruby commented that there are some members of the LPC who are also members of the Preservation Alliance of Baltimore County. He stated that in his opinion, in light of an on-going civil suit involving an owner of this property and the Preservation Alliance of Baltimore County, those LPC members who are also members of the Preservation Alliance of Baltimore County should refrain from any discussion or participation in the matter and either abstain or recuse themselves from a vote. He continued that doing otherwise could result in the LPC’s duty to remain fair and impartial being called into question.

Ms. Rising noted staff had sought the advice of the Law Office previously on this matter. The Law Office advised that this was a private matter between a commission member and a third-party which is why it has not become a part of any LPC business. Ms. Rising explained that while staff does not see a conflict, the LPC can choose to vote or not vote at their discretion. She also pointed out that the application is not an alteration to the Final Landmarks List structure so the applicant may wish to do the work regardless of whether or not the application is approved for tax credits.

In an effort to un-complicate the issue, Ms. Nevins-Hawks indicated she would be happy to withdraw the application. Mr. Norman indicated that didn't seem necessary.

Mr. Yaffe asked staff if the application had been vetted in the same fashion as an application received from any other homeowner. He asked if the Design Guidelines had been applied and whether staff had evaluated the application objectively. Ms. Rising stated it had.

Ms. Horst asked if the Preservation Alliance of Baltimore County as an organization was being sued. Ms. Rising noted she could not speak to that as it involved a private matter. Mr. Ruby commented that Ms. Bentz was present and perhaps the question could be asked of her.

Mr. Myers suggested proceeding with the vote.

Mr. Yaffe asked how many votes are required to carry a motion and whether or not an abstention would count. Ms. Rising answered 7 affirmative votes would carry the motion and that abstentions do not count.

Ms. Horst recognized Ms. Patricia Bentz wished to speak. Ms. Bentz indicated she was being sued by Ms. Nevins-Hawks and is named as the Executive Director of the Preservation Alliance even though the papers were served at her private residence. She indicated one of the reasons why she is being sued and the reason why the LPC does become involved is because an item for ex-post facto approval was on an agenda when it should not have been.

Ms. Nevins-Hawks suggested the matter be tabled as it is a complex issue.

Mr. Yaffe called for a vote on the motion already on the floor. Mr. Norman seconded the call.

The motion to issue a Certificate of Appropriateness for approval of the Part II tax credit application for installation of interior storm windows using an installation method that is consistent with Preservation Brief #9 failed with Mr. Norman, Mr. Kellman, Ms. Benton, Mr. Myer, Mr. Yaffe and Mr. Bryan voting in favor of the motion, Mr. Diggs, Ms. Horst and Ms. Nevins-Hawks abstaining from the vote.

7. "Rockwood" and setting, Davis property, 7405 Longfield Drive, Final Landmarks List #240 and MIHP #BA-2895; construction of a 3 level deck [County Council District 5]

Ms. Rising noted the proposal is to construct a three level exterior wood deck that would project from the southwest corner of the house. The deck would be accessible from an already existing door opening on the southern elevation that currently provides access to a small deck which will remain and connect to the new deck. She explained the property is sited on a high hill that slopes down to Belair Road and that an in ground pool is currently located on the eastern lawn. She elaborated that the deck would project from a secondary elevation that has been previously altered, that the proposed architecture of the deck is visually subordinate to the primary building and progresses downward away from the house. She explained the deck is a reversible addition and does not alter any original historic fabric.

The property owner, Charles Davis, was present. He confirmed Ms. Rising's description of the plans and mentioned plans for landscape elements to soften the involved area.

Mr. Bryan moved to vote to issue a Certificate of Appropriateness for the construction of a 3 level deck as proposed. Mr. Yaffe seconded the motion which passed unanimously on a voice vote.

Citing County Code Section 32-7-403 and Historic Design Guidelines: Addition and Infill, pages 2 and 3.

Other Business

Having discussed other business matters earlier, Mr. Norman moved to adjourn the meeting. Mr. Kellman seconded the motion, which was approved unanimously on a voice vote. The meeting adjourned at 7:10 p.m.

VKN:vkn