



HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

ELlicott City HISTORIC DISTRICT ■ LAWYERS HILL HISTORIC DISTRICT

3430 Court House Drive ■ Ellicott City, Maryland 21043

Administered by the Department of Planning and Zoning

VOICE 410-313-2350
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December Minutes

Thursday, December 6, 2018; 7:00 p.m.

The December meeting of the Historic Preservation Commission was held on Thursday, December 6, 2018 in the C. Vernon Gray room located at 3430 Court House Drive, Ellicott City, MD 21043. Mr. Roth moved to approve the November minutes. Ms. Tennor seconded. The motion was unanimously approved.

Members present: Allan Shad, Chair; Eileen Tennor, Vice-Chair; Drew Roth, Secretary; Erica Zoren; Bruno Reich

Staff present: Beth Burgess, Susan Overstreet, Kaitlyn Clifford, Daniel Bennett, Lewis Taylor

PLANS FOR APPROVAL

Regular Agenda

1. HPC-18-60 – 6480 Anderson Avenue, Hanover, HO-786
2. HPC-18-61 – 3538 Church Road, Ellicott City
3. HPC-18-62 – 3531 Sylvan Lane, Ellicott City
4. HPC-18-63 – 5819 Lawyers Hill Road (6219 Lawyers Hill Road per design guidelines map)

HPC-18-60 – 6480 Anderson Avenue, Hanover, HO-786

Advisory Comments for site development plan with demolition.

Applicant: Joseph Snodgrass

Background & Scope of Work: This property is listed on the Historic Sites Inventory as HO-786, the Anderson Post Office and Dwelling. According to the Inventory form, the building was probably constructed circa 1873. The Inventory form, which dates to 2003, states:

This building is significant under criteria A and C in the areas of architecture and commerce. The building is one of a quickly dwindling small number of buildings remaining from the original settlement of Anderson. The building is an important example of a gable-front Greek Revival/Italianate transitional structure with many original elements intact. Additionally, its physical connection with the Anderson Post Office and its use as a store during the late 19th century associates it with the development of one of the many small communities that dotted the Howard County landscape during the late 19th century and have now all but disappeared. The town of Anderson, or Hanover as it came to be known, was laid out along five streets and platted in 1893...Today there is not much of a town to speak of.

The Applicant seeks Advisory Comments on the proposed demolition of this building and the reorientation of three existing buildings lots so that the lots are oriented toward Anderson Avenue instead of Railroad Avenue. The application states:

The lots were originally created by a plat recorded in 1893 titled Village of Anderson. Each lot is currently oriented to Railroad Avenue, which is a paper street and does not contain a public roadway. Anderson Avenue is a public road which provides access to the existing house, but the house is to be

demolished if all 3 lots are to be reoriented. The reconfiguration of the lots provides public road frontage and public water and sewer service to the subject lots.

Staff Comments: As explained above, this is one of the last remaining resources for the original Village of Anderson, and was a civic building. Section 16.118 of the subdivision and land development regulations provides guidelines to improve project design, but do not prohibit demolition of historic structures. Guideline 1 states, "Historic buildings, structures and landscape features which are integral to the historic setting should be located on a single lot of suitable size to ensure protection of the historic structure and setting. If demolition is proposed, information explaining this decision shall be provided (structural conditions, cost to retain, etc.)." The application explains the reason for demolition being the reorientation of the lots for access to a public road and public sewer. However, the application does not explain why Railroad Avenue could not be treated as a pipestem lot, which is commonly seen in Howard County, so the lots could remain in their existing location and the historic house retained.

Staff Recommendation: Staff recommends additional information regarding the feasibility of pipestem access from Railroad Ave so that the house can be retained.

Testimony: Mr. Shad swore in Mr. Snodgrass. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Snodgrass wanted to address the Staff comments regarding the feasibility of the pipestem access from Railroad Ave, and the economics of retaining the structure. Mr. Snodgrass stated it was not practical to retain the house as a livable residence, as his calculations at a cost of \$180 - \$200 psf total a renovation cost of \$344,920. Additionally, a 15% carrying charge equals a \$51,738 closing cost, for a total cost of \$400,000 versus the demolition cost of \$25,000. He stated the existing structure is not situated entirely on the Mary A. Cugle property and Railroad Street is not owned by the estate of Ms. Cugle. The recommendation of a pipestem is not feasible, as access to the lots from Railroad Street would impact the owners at 6611 Railroad Street. Mr. Snodgrass stated Railroad Street does not have public sewer or water lines, and the cost to extend the lines 170 feet at \$300LF would be \$50,000. Mr. Snodgrass shared every real estate effort made to sell the property, starting in 2013 until the present day. Mr. Snodgrass explained the poor condition of the house due to termite damage, and stated he was willing to work with Second Chance to recycle and salvage items such as the window frames and staircase. Mr. Shad asked if there was any public objection and there was none.

Mr. Reich asked if a pre-subdivision (lot line adjustment) is needed. Mr. Reich discussed all the fees and procedures for the subdivision process, how the setbacks would need to be maintained, and the new stormwater management rules. Mr. Snodgrass stated he still wants to purchase the property and develop a new home on each lot after the lots are reoriented and reconfigured.

Mr. Shad and the Commission advised the Applicant retain the building, and Mr. Shad stated the HPC would not "bless" the demolition per Mr. Snodgrass' request.

Motion: There was no motion. The application was for Advisory Comments.

HPC-18-61 – 3538 Church Road, Ellicott City

Certificate of Approval to renew expired approval/exterior alterations/demolition.

Applicant: Stephanie Tuite

Current Background & Scope of Work: This property is located in the Ellicott City Historic District. According to SDAT the building dates to 1937. The Applicant currently seeks approval to renew previous approvals that have

since expired for cases HPC-15-78 (demolition of the house); HPC-16-06(a) (construction of retaining walls) and HPC-16-06(b) (removal of trees).

Current Staff Comments: Based on the information provided, it appears the Applicant is requesting approval of the expired D&Os from cases 15-78, 16-06(a) and 16-06(b). The Applicant stated via email, that they are “just trying to extend what was previously approved.” However, the application indicated proposed tree removal along Church Road and replacement and landscape buffer enhancement. Since this item was not previously approved, the Applicant has since indicated that this language was accidental and only one small tree, located by the proposed entrance, is proposed for removal.

The application appears to reinstate the approval for all work previously approved. Staff recommends that any approval issued at the December 6 meeting only focus on the work previously approved, per the Staff reports incorporated and attached as reference from cases HPC-15-78, HPC-16-06(a) and HPC-16-06(b) and the Decision and Orders issued for those respective cases. Any new requests outside of these approvals should be submitted separately and clearly as to not be confused with the previous cases.

Current Staff Recommendation: Staff recommends:

- 1) Approval of the demolition of the house and outbuildings, as they were originally approved, per the Decision and Order issued for case HPC-15-78.
- 2) Approval of the construction of the retaining walls as it was originally approved, per the Decision and Order issued for case HPC-16-06(a).
- 3) Approval of the tree removal as it was originally approved, per the Decision and Order issued for case 16-06(b).

Testimony: Mr. Shad swore in Ms. Tuite. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Ms. Tuite presented current photos of the house and explained that the condition of the house had worsened. She shared that the demolition had not occurred for multiple reasons, including financial and Mr. Lacey’s passing. Ms. Tuite explained that the subdivision has been unable to move forward due to the requirements of the Adequate Public Facilities Ordinance (APFO), and confirmed they are only seeking approval of what had previously been granted approval and nothing new.

Mr. Shad asked if anyone wished to testify, and reminded the audience that only new information relevant to this case should be shared in their testimony.

Public Testimony

Mr. Shad swore in Richard Taylor, a business and property owner on Main Street. Mr. Taylor entered a handout of Historic Preservation Guideline Comments into the record; Ms. Tuite did not object. Mr. Richard Taylor noted that the main point of his testimony would be about impacts to the historic character of the property from the proposed changes. Mr. Richard Taylor quoted Chapter 4, page 21 of the Ellicott City Historic District Design Guidelines that “The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, and spatial relationships that characterize a property shall be avoided.”

Mr. Richard Taylor referenced the Secretary of the Interior’s Standards, the Historic District Design Guidelines and the County Code, and read from each pertaining to the building site, historic character, new construction, landscape and site elements, and standards for review. He expressed concern that the proposed 500 feet of retaining wall and the removal of 136 trees over 12 inches would change the character of the historic property, noting that land, trees and walls are structures and need to be reviewed accordingly by the HPC. He also expressed concern about flooding problems in Ellicott City, and said the HPC needs to deal with the issue that climate change is real. He stated that development effects the environmental setting of Ellicott City and needs

to be dealt with. He quoted Section 16.607 of the County Code that the HPC "shall give consideration to whether the requested action is necessary to protect against threats to public safety." Mr. Richard Taylor believes that if the proposal violates any one of these standards it should be denied, especially in light of impacts to public safety, environmental features and historic character.

In cross examination Ms. Tuite asked if Mr. Richard Taylor had attended any of the past meetings leading to these previous approvals. Mr. Richard Taylor stated he was not involved. Ms. Tuite said the previous meetings discussed the minimal visibility of the retaining wall and that the forest to be cleared is an emerging forest consisting primarily of tulip poplar, and asked if he had taken his concerns about the site into context, as the historic house is in very poor condition. She asked what he particularly finds in this historic setting will be impaired. Mr. Richard Taylor answered that if walls are added or trees are taken down, the setting is being impaired, affecting the streetscape and the historic character. He stated there is more evidence than what was submitted before, examples include the environmental setting, climate change, public safety, and historic resources.

Mr. Shad swore in Candace Taylor, a resident of Ellicott City who lives next door to the Lacey Property, and is in opposition to this approval. Ms. Taylor has further researched the Lacey Property and its historical relevance for her testimony. She stated the original property owners completed construction on the first farmette in the County in 1937-1939, which included the house and several outbuildings. This is the last remaining example of a farmette in this area, which is unique to Church Road. The house had undergone four different renovations since the 1930s, but the basic structure was originally a Cape Cod and it is still there. Ms. Taylor is concerned there was almost intentional abandonment and lack of care for the property. Ms. Taylor disputed the lack of historical value for the house. She argued that the house may not look nice, due to poor care and upkeep of the property, but it still has historic value.

Ms. Taylor stated there are new concerns for the property due to the two major floods and stormwater management facility failures in the area that occurred since the last certificates of approval were granted. Ms. Taylor expressed concern about viewing the development and the visibility of the retaining wall for herself and her adjacent neighbors. She noted that according to the National Register of Historic Places, the definition of "Historic District" is "united by their history or aesthetics". Ms. Taylor stated that demolition of the historic house, large wall construction and tree removal will take away from the history and aesthetic of the District. She stated the "identity of a District results from the interrelationship of its resources." Ms. Taylor named adverse effects from the proposed development, as cited in the National Register of Historic Places and the County Code, Section 16.118.(b)6, as removal of the little Cape Cod and outbuildings, wall construction and tree removal, adding a large stormwater management facility, and neglect and deterioration. These actions will change the property's character, use or setting as a farmette, and introduce incompatible visual elements on an historic scenic road. There should be responsibility and accountability for the owners that let demolition by neglect occur. Ms. Tuite had no questions for Ms. Taylor.

Mr. Reich stated he wanted to hear new information for testimony or decisions that the HPC had made in error. Mr. Reich acknowledged Ms. Taylor brought up new information regarding the significance of the farmette. Mr. Reich questioned the legality of the HPC's purview regarding flood mitigation and the development of properties, and asked for legal counsel on what the HPC's review should take into consideration.

Mr. Lewis Taylor clarified that the Department of Public Works is responsible for stormwater management facility maintenance and the Department of Planning and Zoning approves stormwater management designs. He noted that the Ellicott City Historic District is unique, however, so some aspects of stormwater management in relation to structures and structural stability may need consideration by the HPC, and public safety can also be considered. However, he was clear to state the Commission is not responsible for stormwater management in the County. Mr. Lewis Taylor explained that if there are no new facts, reaching a decision counter to past

decisions could be considered arbitrary and capricious. Mr. Lewis Taylor further stated there is no precedent to base a decision solely on flood mitigation. Mr. Reich mentioned that the County has a great concern over public safety and flood mitigation, as evidenced in a bill that has not passed yet. Mr. Lewis Taylor stated the bill has passed and the Commission would need substantial evidence on record to show that public safety impacts would occur before changing their decision.

Mr. Roth read from Page 61 of Chapter 8.D, Design of New Subdivisions, of the Ellicott City Historic District Design Guidelines and concluded that stormwater management is not in the HPC's purview. Mr. Lewis Taylor responded that there are multiple ways to proceed with development in the County. In this case, the HPC is being tasked with approving a structure (the retaining wall) prior to subdivision or site development plan approval. Mr. Lewis Taylor clarified that Mr. Roth read about final approvals of plans and that Ms. Tuite is not at that stage of plan review, therefore, the specific text referenced may not apply to the question at hand.

Mr. Reich commented that this application is for more than taking down the house, it also includes tree removal and adding retaining walls. Mr. Reich noted the trees could retain water from stormflow but the Commission lacks clear data.

Motion: Mr. Roth moved to go to a closed session for the Commission to obtain legal advice on stormwater management issues and how that pertains to a Certificate of Approval. Ms. Zoren seconded. The motion was approved 5 to 0.

Mr. Shad called the meeting back to order at 8:48pm.

Ms. Taylor said she was finished with her testimony, and Ms. Tuite said she had no questions for Ms. Taylor.

Ms. Tuite was called back to testify. Ms. Zoren asked Ms. Tuite to clarify the location of all four walls. Ms. Tuite approached with plans to identify the retaining wall sites. Mr. Roth read from the previous D&O that two walls (walls #1 and #3) were eliminated, with wall #4 being reduced to under 3 feet high behind Lots 1 and 2, and wall #2, which is up to 12 feet high, remaining at the terminus of Deanwood Avenue between the road and the stormwater management pond.

Ms. Zoren asked Ms. Tuite how the design of the stormwater management pond and the retaining wall will be affected, due to the plan being drawn up in 2015-2016 before the flooding changes to the stormwater regulations, and how that in turn would affect the adjacent retaining wall. Ms. Tuite stated that regulations haven't changed since then. Mr. Lewis Taylor stated the regulations have changed; the 100-year storm depth changed. Ms. Tuite clarified that the requirement to treat a 100-year storm has not changed but the inches of the 100-year storm has changed. The current plan has the facility to provide 100-year storm management and engineering is required to release at the existing condition rate. Mr. Roth asked what happens if what constitutes a 100-year storm have changed. Ms. Tuite stated the inches will be required to model through the pond to show the existing and proposed are the same or better. Mr. Lewis Taylor asked Ms. Tuite if she had analyzed the existing pond design to satisfy the new metric on the 100-year storm. Ms. Tuite responded she had not, but will have to analyze the new storm design inches when the plan moves forward to the final plan stage.

Mr. Reich noted that the proposed topography may change due to the increased stormwater management requirements. Ms. Tuite acknowledged that the topography could change, but she expected it would be a very small change and the plans are required to be re-reviewed by the County's Land Development Division. Mr. Roth asked if the walls and grading should be approved now, or wait until the HPC knows if anything will change. Ms. Tuite stated they needed the approval of the wall in order to receive approval of the subdivision. Mr. Roth said the retaining walls should not be approved/reviewed until the HPC knows of any stormwater management

changes, as the design is currently outdated. Mr. Roth noted the prudence to wait until Ms. Tuite makes sure the retaining walls are appropriate, as things have changed since the original application.

Mr. Roth noted that the project cannot move forward for at least a year since it is in the holding bin for APFO and that there will be additional stormwater management changes in the future. He asked if it would be better for the HPC to wait a year to review the walls, once the requirements and design are final. Ms. Tuite said their primary goal was to receive approval for the demolition of the house. Mr. Roth asked Ms. Tuite if she would consider waiting on approvals for the tree removal and retaining wall construction, and agree to approval of just the demolition of the house. Ms. Tuite did not give a definitive response.

Mr. Reich noted that the HPC needs to take into consideration there will be design changes and they don't know what those will be. Ms. Tuite said if there are any design changes, they would need to return to the HPC for new approval. Mr. Reich clarified with Ms. Tuite that while the wall design might come back for review, the tree clearance would occur during construction.

Public Testimony:

Mr. Shad swore in Denise Cortis, a resident on Deanwood Avenue, who testified in opposition of the case. Ms. Cortis explained that as a neighbor and friend to many who experienced property, financial and emotional damage from the series of three increasingly severe floods in 2011, 2016 and 2018, she asked the Commission to deny the Lacey Property application request.

Ms. Cortis explained that the new information she is presenting concerns the increasing severity of the third flood in 2018, due to upstream development and the removal of brush and trees. Ms. Cortis mentioned the acknowledgement from County officials that development upstream of Main Street has increased flooding, along with contributions from increased rain. Ms. Cortis called attention to the moratorium on development in the watershed, effective since July 2018, and that no development, demolition, or construction of retaining walls would be approved under the moratorium.

Ms. Cortis pointed out that there has been acknowledgement or proof that retaining walls can contribute to damage in flooding, as retaining walls are surrounding the upstream periphery of Main Street. Proof can be seen in the mud slide that occurred from the Burgess Mill 2 retaining wall in the 2018 flood. Ms. Cortis said that natural grades within the Historic District should be altered very little and retaining walls are rare. Ms. Cortis wanted the HPC to acknowledge that the 12-foot retaining wall approval was a mistake. Ms. Cortis noted that other changes may occur as State legislation gets aligned with County guidelines and a new design guidebook, so it is premature to approve anything in the current application. She believes the Commission should be the first and firmest line of defense for the Historic District and for the safety of the residents who live there. Ms. Cortis said the Lacey property has been practically abandoned for a decade and it has been the responsibility of the neighbors for property maintenance. She said approval of the demolition request would set a precedent of approving demolition by neglect. Ms. Cortis urged the HPC to not allow demolition by neglect and reconsider their decision. Ms. Tuite had no questions for Ms. Cortis.

Mr. Shad swore in John Russell. Mr. Russell is a resident on Deanwood Avenue and in opposition to this application. Mr. Russell shared that the historical nature of Ellicott City and even its very existence is now threatened by flooding. The floods of 2011, 2016 and 2018 severely damaged the historic structures on Main Street and three are dead. Excessive rainfall is becoming the new norm, with Ellicott City receiving more than 80 inches of rain this year. The Lacey Property is mostly covered with mature trees and vegetation that absorb rainwater and hold the hillsides, and the majority of the property drains into the Tiber watershed. In the May flood, water from the property may have contributed to the Burgess Mill 2 retaining wall flooding homes on Fels Lane. Mr. Russell noted that adding impervious cover on the Lacey Property, along with the cutting of mature trees and building retaining walls, will allow more water to move on to and flood Main Street and further

damage the Historic District, so he urged the Commission to deny the application. Ms. Tuite had no questions for Mr. Russell.

Mr. Shad swore in Todd Taylor, who is a resident of Church Road in Ellicott City and is in opposition to this request. Mr. Todd Taylor said he grew up next to the Lacey Property. The lots were all 3-5 acres and the Groeners had two lots, so that they could farm the property as a small farmette, including livestock. Mr. Todd Taylor stated that small farms are having a resurgence. He stated the Staff report missed the historical significance of the property, because it is the only farmette in the Historic District, and represents unique post-Depression history. Mr. Todd Taylor entered the Maryland Historic Trust Inventory of the listing of the subject property into the record. Mr. Lewis Taylor informed Mr. Todd Taylor that the inventory and the nomination form were already on the record by reference. Ms. Tuite had no objection to the inventory form being distributed to the Commission. Mr. Todd Taylor noted on the second page the contributing resources list of five structures that he believes fit the definition of a building that should not be demolished, as they are unique in historical use. Mr. Todd Taylor also referenced page number 8, B, Significance, where two boxes are checked indicating that the house was built in 1900-1999 and there is significant architecture, because, as noted by Ms. Taylor, it is the only Cape Cod house in the Historic District. Mr. Todd Taylor asked the HPC not to approve the demolition, as the Applicant has not shown why the demolition should be permitted.

Mr. Todd Taylor asserted that the HPC does not have the authority to grant the relief Ms. Tuite is requesting. He explained there is no enabling authority for the HPC to renew expired certificates, and the Applicant needs to start over and cannot incorporate by reference the previously admitted evidence. Mr. Lewis Taylor asked Mr. Todd Taylor for his authority for that statement. Mr. Todd Taylor replied Section 16.303 of the County Code does not give the HPC authority to renew expired certificates. Mr. Lewis Taylor said the HPC is not renewing an expired certificate.

Mr. Roth asked if Mr. Todd Taylor was aware of anything that has changed with regards to the house since the previous demolition approval. Mr. Todd Taylor replied there are no trespassing signs on the property and that impeded his ability to see if there was something new regarding the house, but he argued that the Commission should investigate if there have been any changes. Ms. Tuite had no questions for Mr. Todd Taylor.

Mr. Shad swore in Liz Walsh, a resident of Church Road in Ellicott City and a Howard County Council Member, who is opposed to the application. Ms. Walsh noted that Mr. Todd Taylor's concern about renewing an expired approval is based on language in the HPC agenda. Ms. Walsh noted Section 16.603 of the County Code indicates that applications for extensions of certificates of approval should be treated as new applications. Ms. Walsh was concerned that protestants opposing the application are limited to speak only regarding new or unknown information, as that is legally flawed and unreasonable, especially as the protestants had limited notice about this hearing.

Ms. Walsh explained that this request is a classic case of demolition by neglect and urged the HPC to not condone the Applicant for said neglect. Ms. Walsh noted that the law regarding stormwater management has changed and will likely change again. Ms. Walsh disputed that the retaining walls are not visible, because the entire back side of the property is visible from Court House Road. Ms. Walsh paraphrased Ms. Tuite from her Planning Board testimony regarding stormwater management, saying if a 100-year storm occurred or was exceeded, or if the pond failed, the water from the pond would come down Fels Lane and into Main Street. She noted that should conditions go over a 100-year storm, there is a certainty that will happen.

Ms. Walsh stated that reviewing this case without considering stormwater and flood mitigation is a mistake that removes the Commission from their stewardship role for the Historic District. She discussed the proposed removal of trees, naming several species, noting the diversity of the species that one would not see in a new development. Ms. Walsh explained that trees are considered a structure, so the removal of trees is considered a

demolition. She spoke about information new to her regarding this application and recalled HPC-15-74 from December 2015 with a similar request to demolish select large trees in lower Ellicott City. Ms. Walsh called to attention that this case required a showing to document there was no alternative for each tree removal, which was not done for the Lacey Property, and argued that this was an error by the HPC. Ms. Walsh stated that the mature trees along upper Church Road were the reason upper Church Road was brought into the Historic District of Ellicott City, and that these mature trees are the same reason for the local scenic road designation. She stated these trees are unique and should be preserved.

Ms. Walsh revealed that the property has been part of the woodland management program since July 2003 and that Mr. Lacey had received a woodland management tax credit for the assessed 7.5 acres of woodlands on this property. Ms. Walsh further testified that the Department of Natural Resources (DNR) forester who prepared the report cautioned manmade activity should not occur on the property because of the protections afforded to the steep slopes and stream by the woodlands. Ms. Walsh argued that the HPC was and perhaps still is unaware of how many of those trees are on the quarter acre of steep slopes proposed for clearing and grading.

Ms. Walsh stated concern that there have been two deadly floods since the approval of the previous applications, and much of the property's acreage drains into the Tiber watershed. Ms. Walsh maintained that woods in good condition, which the Lacey Property now has, are the best stormwater management. She said we have seen ponds, like the one at Burgess Mill 1, and retaining walls, like the one at Burgess Mill 2, have failed since previous approvals.

Ms. Walsh said the Applicant managed to get Planning Board approval for a plan that was not in compliance with the Decision and Order from previous HPC approvals. Ms. Walsh stated the Department of Planning and Zoning approved the waiver request for specimen tree removal on the property. Ms. Walsh stated the Applicant needed minor adjustments to lot lines and contours to preserve the grove of black walnut trees, as requested by the HPC. She recalled Ms. Taylor's testimony citing 16.118(B)6 of the County Code, that achieving the maximum possible density is not sufficient justification to allow adverse impacts on historic resources, noting the Applicant did not uphold these requirements.

Ms. Walsh referenced Maryland Court of Special Appeals case Pomeranc-Burke, LLC. v Wicomico Environmental Trust LTD., 197 Md. App. 714 (2011) that confirms that the HPC should consider the density to preserve historic resources. Ms. Walsh explained that clearing 7.5 acres of woods and perching a large stormwater pond behind a retaining wall above Fels Lane and Main Street would threaten public safety, so the application should be denied. Ms. Walsh asserted that the trees are historic, therefore the HPC is held to a strict standard of review.

Mr. Lewis Taylor asked Ms. Tuite if she had any questions for Ms. Walsh. Ms. Tuite asked how to address information Ms. Walsh discussed in her testimony that was not accurate, according to the record. Mr. Lewis Taylor stated that Ms. Tuite could raise that issue in her rebuttal argument.

Mr. Roth stated that in the County Code Section 16.608 and the Guidelines for demolition, the HPC is to consider if the building proposed for demolition is a structure of unusual importance. Mr. Roth asked Ms. Walsh if she could make an argument for why it is sufficient for a building that is a contributing structure to the Historic District or is on the Inventory of Historic Properties is a structure of unusual importance. The definition of structure of unusual importance is not defined strongly in the County Code. Ms. Walsh contended the historic guidelines also have language regarding demolition of structures that is specific to Ellicott City, while the County Code is more generally applicable, and she believes the more stringent Guidelines should have precedence. Mr. Roth said the HPC made their previous decision based on this criteria and determined the house was not a structure of unusual importance and reviewed the proposed demolition accordingly. Mr. Roth noted that Ms. Walsh and Mr. Todd Taylor both argued that the house was a structure of unusual importance because is a contributing structure to the Historic District or is on the Inventory of Historic Properties, and Mr. Roth wants

more support for this argument. Ms. Walsh responded that the structure is unique given the diversity of structures in the neighborhood, and the property is unique because it was and continued as a farmette.

Mr. Shad swore in Mr. Vincent Lacey, the trustee of this property and in favor of the application. Mr. Lacey said there have been multiple studies done on the flooding in Ellicott City and cited the County's Ellicott City Hydrology and Hydraulics Study, Section 233, as a counterpoint to the flooding concerns from developed properties. The study looked at an undeveloped Tiber watershed and the analysis showed that in lower rainfall events development made a big difference in flooding, but when more serious rainfall events occurred, like a 100-year storm or greater, development had no impact on the amount of flooding. Mr. Lacey noted that there are designs of stormwater management ponds for the property, and while the design may change, they would not have been able to control the flooding events of the past few years.

Mr. Lacey responded to the arguments of negligence and abandonment of the property. He reported that his father has been in poor health for the past 10 years, and he just passed away this spring. He noted that the 2008 recession severely impacted his father financially and he was not able to recover from it. The Forest Management Plan helped with the property taxes, but the Trust is now the financial supporter of the property. Mr. Lacey noted that they would like to move forward with demolition, because removing the buildings from the property would reduce the property taxes for the Trust.

Mr. Lacey asserted that the property was not originally considered to be located in the Historic District, but in a study commissioned by the County, the property was added to the Historic District, but the study said the house was not of historical significance. Mr. Lacey requested the HPC approve the application. Mr. Lewis Taylor asked if there were any additional questions for Mr. Lacey, but there were none.

Applicant Rebuttal:

Ms. Tuite read from the prior decisions on the record. The record stated multiple times that the property was a farm, and that was part of her argument that the trees on the east side of the property were younger because the property was a farm. The 7.5 acres of wooded land referenced from Ms. Walsh's testimony is actually 4.6 acres, and 2.8 acres of woods are being retained in a Forest Conservation Easement. This is more than the 2.2 acres required to be retained, so the Applicant exceeded the requirement.

Mr. Reich questioned if stormwater management is being designed for the 100-year storm. Ms. Tuite said yes and clarified it is required now to design for 8.5 inches of rainfall. Mr. Reich asked if the storm from 2018 could be handled by the proposed stormwater management pond on the plan. Ms. Tuite explained that the design storm occurs over a 24-hour period, while the 2018 storm occurred over three hours, a much shorter duration. Mr. Reich responded that Mr. Lacey's testimony stated that in heavier rainfalls the ground could not handle the excess runoff anyway. Ms. Tuite agreed that the ground begins to act as an impervious surface after the ground is saturated when it rains as much as it has.

Mr. Reich asked why not design a stormwater management facility that improves the site's natural water carrying capacity, why not provide something better than required. Ms. Tuite rebutted by asking what level of extra design is enough to satisfy the concern. Ms. Tuite stated further there is no stormwater management present at all so this is an improvement. Mr. Reich responded there is a natural stormwater management system present now. Mr. Reich said the problem is that the HPC doesn't have a stormwater management design for the current conditions and doesn't know what the design would mean for the 2018 flood. Mr. Roth agreed, given the guidance and guidelines, stormwater management is in the purview of subdivision planning. Mr. Roth continued that given the stormwater management rules are in a state of flux because of the flooding, the HPC should hold off on approval of the retaining walls and removal of trees until the regulations are finalized.

Mr. Reich stated that the HPC is in an impossible situation because they are being asked to approve something they don't have enough information to completely understand. Mr. Roth concurred, noting that they approved the application originally because the HPC had a sense of assurance that the Planning Department would address any problems with the retaining walls and stormwater management flood issues, but they don't have that assurance now. Mr. Lewis Taylor asked Mr. Roth for clarification on his assertions. Mr. Roth responded the County is changing their flood mitigation and stormwater management rules. Mr. Lewis Taylor stated that the Applicant would still have to go through the review process.

Mr. Lewis Taylor said the question is whether the Commission has legal authority to deny the request. The Commission is considering whether to approve or deny the appearance of the retaining wall. Mr. Roth stated that the trees and the retaining walls influence stormwater runoff. The Guidelines for the County are still under consideration for updates due to the floods, so should the HPC be inclined until the updates are made to deny the application until a later time when the rules have stabilized, and the appropriate analysis has been done. Mr. Lewis Taylor counseled the HPC that it is legally insufficient for a denial based on Mr. Roth's previous statement, because the Commission can't deny an application based on the assumption that another agency may not approve something outside the Commission's purview. That denial will not hold up in the Circuit Court of Howard County.

Mr. Reich pointed out that the design of the facility currently will not be the same when it is done. Mr. Lewis Taylor told Mr. Reich he is speculating on the outcome. Mr. Reich asked for clarification that however minor the change, it will still affect the topography of the site. Ms. Tuite responded not necessarily. Mr. Lewis Taylor responded that if there is a change to the design, the Applicant will have to return before the HPC at that time. Mr. Lewis Taylor explained that the HPC cannot deny the Applicant based on rules changing.

Mr. Reich said the Commission can consider the new information heard this evening and what conditions have changed since the last approval. There is additional information regarding the historical value of the property, and the concern for safety in response to the 2016 and 2018 flooding, but the moratorium is not part of their purview. Mr. Lewis Taylor agreed that the moratorium does not affect HPC decision making, noting the demolition is not subject to the moratorium because there is no increase in impervious area. The retaining wall may be, but the Commission's approval does not allow the Applicant to construct the wall.

Ms. Walsh stated that the moratorium ceased building permits from being issued in the watershed. Mr. Lewis Taylor agreed but noted this does not apply to Commission approval of certificates. The moratorium may influence their consideration of public safety criteria, however as a legal matter, while the moratorium does prohibit certain approvals, it does not affect the HPC approval process. Ms. Walsh argued the recognition that upstream development can affect downstream harm is a new fact since the last approvals. Mr. Lewis Taylor acknowledged this as a new fact, but his point is that the moratorium does not bar the HPC's decision making.

Mr. Roth stated a new fact of this application is explicitly to consider public safety and evidence that runoff and stormwater is a public safety issue. Mr. Roth asked Counsel if the HPC could deny the tree removal and retaining wall request on basis of risk and negative impact on public safety until such a time as regulations are put in place to address that risk. Mr. Lewis Taylor responded a reviewing court would look at whether there was substantial evidence on record for the HPC to make that determination.

Mr. Roth asked Ms. Walsh for her opinion on the best document to introduce into the record. Ms. Walsh responded that she would like to introduce into the record the 2003 Woodlands Management Plan that identifies 7.5 acres of woodlands on this property, not the 4.5 acres identified on subsequent plans, and the DNR Forester's recommendation that anthropogenic activity on the site should be limited. Mr. Roth asked Ms. Walsh if that tied it to a public safety concern that resulted from the floods. Ms. Walsh answered that the woodlands identified on those back steep slopes protect the stream on the property. Mr. Roth asked if Ms. Walsh had

anything else, such as the hydrology study. Ms. Walsh said she has testimony about the extent of the rainfall and storm intensity. Mr. Roth moved to introduce the Hydrologic and Hydraulic study, which Mr. Lewis Taylor noted was a public document and incorporated by reference. Mr. Roth also moved to submit the 2003 Woodlands Management plan to the record.

Ms. Tuite objected to the 2003 Woodlands Management Plan being introduced, on the grounds that the proposed plan is to be held to a different standard of forest conservation, based on the Forest Conservation Act regulations. The two plans have different definitions of what qualifies as forest. Ms. Walsh stated the 2003 plan was obtained by a Public Information Office request. Mr. Lewis Taylor stated it could be taken into the record. Ms. Tuite said the 2003 Woodlands Management Plan was referenced in a previous Decision and Order. Mr. Lewis Taylor asked if Mr. Shad would accept the document into the record. Mr. Shad affirmed.

Commission Deliberation:

Mr. Roth discussed the first request of Ms. Tuite's application, the demolition of the house and outbuildings on the property. Mr. Roth there has been no basis to change the decision to demolish the house, the house is not a significant structure. Mr. Shad added that the argument of demolition by neglect is not currently in the Guidelines. Mr. Roth attempted to make a motion to approve the demolition of the house. Mr. Lewis Taylor addressed the HPC to ask if any of the Commissioners found the structure to now be a structure of unusual importance, and the response was no.

Mr. Lewis Taylor then quoted Sec. 116.607.c and asked if the HPC felt the house was a contributing structure. Mr. Reich noted that the demolition request included the house and several outbuildings, and 80% of the barn structure is already down. Mr. Reich further acknowledged that while the house was originally a Cape Cod, it has been modified many times and it is in bad condition. It's part of the sequence of 3 to 5-acre properties on Church Road, and the house fits into the historic character of the area, but as far as the structure being of unusual importance, it is not.

Mr. Roth said when the Lawyers Hill Historic District was created, it identified all contributing structures in the District, and he wanted to know if the same had been done for the Ellicott City Historic District. Mr. Lewis Taylor responded no, but there is language in the record about the properties inclusion in the Historic District. Mr. Lewis Taylor asked the Commission if they believe the structures on the property contribute to the Ellicott City Historical District or are they of little historic value. Mr. Lewis Taylor reminded the Commission that their previous determination on the structures was that the structures were of little historic value, so if the HPC changes their opinion they need to express why.

Mr. Reich stated he agreed with the previous conclusion that the structures on the property are not contributing to the historical value of the District. Ms. Tennor noted that the testimony given tonight referenced it as the last remaining example of the farmette subdivision. Mr. Roth asked Ms. Tennor if the farmette contributes to what makes Ellicott City historic. Ms. Tennor responded that the other parcels from the subdivision were not considered historically significant. Mr. Lewis Taylor, Mr. Roth and Mr. Reich reviewed language in the Decision and Order from Case #15-78 regarding the structures not being of unusual importance or a contributing factor to the Historic District.

Mr. Lewis Taylor asked the Commission members to clarify if they were going to be strict or lenient in their ruling. Mr. Reich requested the decision to be broken down into three sections. Mr. Shad deemed the HPC did not hear evidence to change their previous opinion on the contributing aspects of the structures.

Motion: Mr. Roth moved to find that the structures are not of unusual importance. Ms. Zoren seconded. The motion was unanimously approved. Mr. Roth moved to approve the demolition of the buildings in accordance

with the standards of Section 16.607.c. and find that the structures do not have a significant architectural or historic value to the surrounding area. Ms. Tennor seconded. The motion was unanimously approved.

Mr. Reich stated there was new information to be considered due to the floods and safety in regard to the previous decisions for the retaining walls and tree removal, but the Commission does not have enough information to make a decision. Mr. Roth responded that he agreed as it is an issue of public safety. Ms. Zoren concurred, but did not want to rely on a public safety argument. She said it weakens the public safety argument when it is a new plan that has to go through a series of new approvals from the County and State-wide regulations, so to say the stormwater management is a public safety hazard is a stretch for her. Mr. Roth countered that if the HPC approves it, they are taking on a public safety risk that they don't understand, because those in the position to mitigate this risk have not had time to put the appropriate structures in place. Mr. Reich confirmed that there was not enough information to make a good decision.

Mr. Roth questioned if there was any evidence to suggest previous stormwater management rules were inadequate. Mr. Lewis Taylor acknowledged that public safety is a criteria the HPC may consider, but he asked if the Commission whether they consider that the Applicant has the burden of proof that their proposal would not adversely impact public safety. Mr. Reich affirmed he thought they did. Mr. Lewis Taylor clarified that the County Code clearly does not require the Applicant to provide evidence to prove they won't harm public safety. However, if evidence is presented that proposed work will harm public safety, then it may be the responsibility of the Applicant to rebut the evidence, because the courts will review the evidence in the record to see if it is sufficient to support the HPC's determination. Mr. Roth noted there had been evidence presented to suggest that there is a risk to public safety and asked if the HPC should give the Applicant an opportunity to return with a rebuttal. Mr. Lewis Taylor stated that the HPC could do that. Mr. Roth asked the Applicant if they would do that, and Ms. Tuite agreed to defer the request to have more information. Mr. Lewis Taylor asked Ms. Tuite if she would be withdrawing the requests for the retaining walls and tree removal. Ms. Tuite said she would withdraw the request for tree removal and retaining walls.

Motion: Mr. Roth moved to approve that the structures on the property are not of unusual importance. Ms. Zoren seconded. The motion was unanimously approved. Mr. Roth, per 16.607.c, moved to approve the demolition of the buildings. Ms. Tennor seconded. The motion was unanimously approved.

Mr. Shad informed the public that the last case of HPC-18-63 will be rescheduled in January.

HPC-18-62 – 3531 Sylvan Lane, Ellicott City

Certificate of Approval for new addition/exterior alterations.

Applicant: Brandon Morris

Background & Scope of Work: This property is located in the Ellicott City Historic District. According to SDAT the building dates to 1930. In February 2014 (case HPC-14-03) the Commission reviewed and approved an application for repairs and alterations to this structure as a result of a fire. The staff report from 2014 references an earlier application from 1990 where the Commission approve the replacement of wood windows on the house with vinyl windows, finding that the house was not architecturally significant. The 2014 application included replacing the siding (a combination of wood shake and vinyl lap) with HardiePlank lap siding, replacing vinyl windows in-kind with new vinyl, replacing a steel door in-kind with a new steel door, and using a fiber cement product for the soffits and fascia. The Commission approved the application as submitted in 2014, but found that the house was architecturally significant to the Ellicott City Historic District, which contains very few bungalow styles of housing. The Commission did not approve tax credits for the repairs as they found the proposed materials did not qualify.

The house has been converted to a duplex and the Applicant proposes to restore the building to a single family structure, by blending a Craftsman style home with rustic farmhouse wrap around porch and deck. The Applicant seeks approval to make the following alterations:

- 1) Roof – Replace the existing multi-colored green composite roof with a new black or gray composite shingle roof.
- 2) Windows – Remove the existing 6:6 white vinyl windows and replace them with Integrity 1:1 black fiberglass windows. Trim all windows with white PVC in a bungalow style trim design.
- 3) Siding – Maintain the existing HardiePlank lap siding and color, Mountain Sage.
- 4) Doors – Create a new front entry facing the street (north side of house) as the current entry is located on the west side of the building. The existing door is a white steel half-light door (9 lights over 2 panels). The Applicant proposes to install a fiberglass Craftsman style door with 3 vertical simulated divided light above 2 vertical panels.
- 5) Electrical panels – Relocate electrical panels from the north side of the building where the new front door is proposed and moved to the new wall between the garage wall and the new front porch.
- 6) Front Porch – Remove existing ADA ramp and construct a new wrap around front porch in order to create a true front entrance. The porch will consist of Trex Transcend composite decking in the color Island Mist, Trex Transcend railings in the color classic white and PermaSnap cPVC column wraps in the color white.
- 7) Garage – Construct a new front loading garage, as the property does not allow for a side, rear or detached garage. There are historic trees and landscape hindrances that would not support a garage on the side or rear of the home. The garage will be 23'5" long by 21'4" wide and sided in HardiePlank lap siding to match the existing in design and color.
- 8) Construct a 27'5" feet wide by 12'3" long rear addition on the south side of the house facing the railroad tracks/Patapsco River.
- 9) Demolition – The Applicant proposes to demolish the existing front porch (which is located on the west side of the house, the ramp connecting to the porch, and the small deck on the north side of the house facing the street).

Staff Comments:

Roof

The roof is currently a multi-colored green composite roof. The proposal to replace it with a new black or gray composite shingle roof generally complies with Chapter 6.E recommendations, "use asphalt shingles that are flat, uniform in color and texture and of a neutral color." The proposed colors, black or gray, are both neutral, but gray would be a softer, more neutral color. The Commission has approved architectural shingle roofs in the recent past, finding the Guideline for a flat asphalt shingle to be outdated. The exact roof shingle product has not been identified, but should be specified so that is known whether the Applicant intends to use a flat shingle or architectural shingle.

Windows

The windows on the house are currently 6:6 white vinyl and the Applicant proposes to replace them with 1:1 black fiberglass, trimmed with white PVC. Chapter 6.H recommends against "using metal or vinyl windows on historic buildings or in highly visible locations." Typically vinyl or fiberglass windows would not be approved for a historic building, but the vinyl windows previously existed when replaced in 2014, (an in-kind replacement since vinyl was originally installed in 1990 as explained above.) Since the current request proposes a material and design change, the Commission may want to consider whether some Craftsman features could be reintroduced. The use of 3:1 windows (an example shown in Figure 11 and page 39 of the Design Guidelines), would be more appropriate and comply with the Guideline recommendations, as they are common to bungalow/Craftsman style homes. In 1990 wood windows (6:6 arrangement) were replaced with vinyl windows, although it is

unknown if they were original. Chapter 6.H recommends, "replace inappropriate modern windows with windows of appropriate style. If documentary evidence of the of the original windows is available, choose new windows similar to the original. Otherwise, select windows appropriate to the period and style of the building." Chapter 6.H of the Guidelines explains, "windows in the historic district should generally have true divided lights, rather than sandwiched or interior snap-in muntins...Windows with permanent exterior grilles are an alternative that can be similar in appearance and reflective qualities to true divided lights." The Guidelines state that "wood windows clad with a permanent finish are a good, low maintenance alternative" to modern materials.

Siding

The house previously had a combination of wood shake and vinyl lap siding, which was replaced with HardiePlank lap siding after a 2014 fire. The Applicant will maintain the use of HardiePlank on the house and use new HardiePlank, with the same details and color, on the new rear addition and garage addition. The continued use of HardiePlank complies with Chapter 7.A recommendations, "on any building, use exterior materials and colors (including roof, walls and foundations) similar to or compatible with the texture and color of those on the existing building."

Doors, Electrical Panels, Front Porch and Garage

The application explains that the Applicant proposes to construct a new front entry and porch on the north side of the housing facing the street, as the current entry is located on the west side of the house due to ADA access for the previous owner. However, after visiting the site, Staff finds the west side of the house is the original front of the house and was most likely designed that way to take advantage of views of the Patapsco River. The details on the porch, such as the wide columns (including base and capital) and brick piers, appear to be original components of the house. The location of the center dormer above the porch are also indicative of the front of a Craftsman/bungalow style house.

The Commission should determine which side they find to be the actual front of the home, as all elements and alterations from this point out are determined by which side is considered the front.

The Applicant proposes to install a black fiberglass Craftsman style door with 3 vertical simulated divided light above 2 vertical panels on the north side of the house to create a front door facing the street and replace the existing front door on the west side of the house with either two full light French doors or a pair of sliding glass doors (there are no specs provided for this item, which will be needed). The style of the door complies with Chapter 6.G of the Guidelines, which recommends, "replace inappropriate modern doors with doors of an appropriate style." However, the fiberglass material does not completely comply as the Guidelines state, "simple paneled doors of wood or wood and glass are usually best, but metal doors with an appropriate style and finish can convey a similar appearance." While the Guidelines give some flexibility with this item, a wood door would qualify for tax credits, whereas a fiberglass door would not.

As part of the new front entry, the Applicant proposes to remove the existing front porch and ADA walkway and construct a wrap-around porch that would wrap around the north side, west side and south side of the house. The removal of the existing front porch, which is located on the west side of the property, does not comply with Chapter 6.F recommendations, which recommend against, "removing a porch or balcony that is original or that reflects the building's historic development." The porch and the columns, which appear original, are character defining features of this Craftsman/bungalow style home. The existing front porch has been altered over the years for ADA accommodation as seen by the ramps. The flooring is clearly not historic decking. However, the removal of the existing porch and subsequent replacement with the wrap-around porch would impact the integrity of the house. The Applicant proposes to construct the wrap around porch with Trex Transcend composite decking in the color Island Mist, Trex Transcend railings in the color classic white and PermaSnap cPVC column wraps in the color white. The removal of wood columns and railings does not comply with the Guidelines, which recommend, "if the porch is integral to the design of the building, replace it with a new porch

similar in style, scale and detail." The proposed Trex decking would be more appropriate for a rear deck, but are not appropriate for a proposed wrap around porch, or as a replacement decking for the historic porch (if retained). This house, similar to others in Ellicott City, most likely had a painted tongue and groove wood porch. Chapter 6.F explains that "materials generally not appropriate for historic porch replacements include unpainted pressure-treated wood, poured concrete and metal." The Guidelines pre-date the use of Trex and other composite deck materials, but in general, Trex would not be seen as a replacement that, per Chapter 6.F of the Guidelines, is "similar in style, scale and detail."

The proposed columns for the new wrap around porch will be pressure treated wood wrapped in the PermaSnap column wrap. The size of the columns was not specified, but from the renderings it does not appear they will match the size and design of the existing columns, shown in Figure 15. Overall, the removal of the existing historic front porch and construction of the new porch does not comply with the Guidelines. However, adding a porch to the south side of the house (which is the side but appears to be the rear) facing the railroad tracks and river would comply with the Guidelines as it will not be visible from the public right of way. Chapter 7.B states, "porches or decks added to historic buildings should be simple in design and not alter or hide the basic form of the building." The porch as proposed would alter the form of the building, but if only added to the south side of the building facing the river, would not alter it.

The electrical panels are currently located where the new door is proposed to be installed and they will be moved to the new wall end wall that will be created between the house and proposed garage (they will then be perpendicular to the street and not as highly visible). The relocation of this item complies with Chapter 6.L recommendations, "whenever possible, install equipment out of sign of public ways or other properties."

The proposed garage will be constructed on the north side of the house facing the street. Although this side faces the street, it is actually the side of the house. The garage design incorporates a Craftsman/bungalow style panel and window arrangement, which matches the design of the proposed door. It appears there will need to be some grading in order to construct a driveway to the garage without an extreme slope and more information is needed on how much grading/excavation will be needed and whether or not retaining walls will be needed. The material of the driveway is unknown.

Rear addition (south side of house)

The proposed rear addition will be located on the south side of the house, facing the railroad tracks/Patapsco River. While referred to as the "rear", this is actually the side of the house. The wrap around porch will continue on this elevation along the existing structure, but will not continue around the addition. The addition will be two stories in height with several new windows, as shown in the drawings. The addition will be 27'5" feet wide by 12'3" long. The addition will use the HardiePlank siding to match the house and the proposed Integrity black fiberglass 1:1 windows. The proposed rear addition complies with Chapter 7 recommendations, "attach additions to the side or rear of a historic building to avoid altering the primary façade." The roofline will change substantially as this is proposed to be a two-story addition and will change the look of the front of the house as a result (front being the side view from the west). However, given the constraints of the lot and the siting of the house, the addition will not be highly visible and the south side of the house cannot be seen when looking at the house from the public right of way.

Staff Recommendation: Staff recommends this application be amended to Advisory Comments, with the following recommendations for the Commission to consider:

- 1) Approval of the roof, subject to submittal of an appropriate spec sheet, of a gray roof.
- 2) Alternate windows, such as a clad wood in a 3:1 or 6:6 pattern be used.
- 3) Approval of the use of HardiePlank siding, on the garage and addition be used.
- 4) Denial of new "front" door on the north side of the house.
- 5) Denial of new "front" porch on the north side of the house.

- 6) Approval of the proposed Craftsman style fiberglass door for use on the actual front/west side of the house, but tax credit pre-approval if a wood door of the same style is used.
- 7) Approval of the construction of the garage on the north side of the house.
- 8) Approval of relocation of the electrical panels.
- 9) Approval of the demolition of the deck on the north side of the house facing the street.
- 10) Approval of the demolition of the ADA walkway and ramp on the north/west side of the house.
- 11) Denial of the proposed demolition of the historic front porch on the west side of the house.
- 12) Approval of the proposed rear addition.

Testimony: Mr. Shad swore in Brandon Morris. Mr. Shad asked the Applicant if he has anything to add to the staff report. Mr. Morris clarified that the ADA ramp will be demolished but not the actual side porch and that the columns to the porch are not original to the house; that they are just 4 x 4 pressure treated lumber wrapped with wood board. Mr. Morris asked the HPC what is considered the front and side of the house, as maintaining the original front oriented to the Patapsco River after the ADA ramp is removed would require significant grading to add a walkway and landing because of the sloping grade on the lot. Mr. Roth asked Mr. Morris when the house was built. Mr. Morris explained the house was originally built in the 1930s, but due to a fire it was altered in 2015. The alteration caused the house to be split into two units and it is not up to Code or compliant, and Mr. Morris intends to restore the structure to a single-family home.

Ms. Tennor noted she visited the property and finds it difficult to reconcile the proposed architecture changes. She said that regardless of what is considered the front or side of the house, the house currently has the formal integrity of a bungalow house and she is concerned the additions suggested are that of a farm house format and they are losing the formal essence of the house with this proposal. Mr. Morris responded that the porch would not wrap around the entire house but wrap around from the front to the side of the house. Ms. Tennor said changing the roofline of the house would be an issue. Mr. Morris answered that he would only be changing the roofline with the addition. Mr. Morris also noted the back of the house is built in block for the foundation and has settlement cracks and the floor inside is not level. Mr. Morris said he is worried about the safety of that portion of the house which is why he wants to tear it down and add an addition. Ms. Tennor questioned if when the changes are completed the house will still be a Craftsman style structure. Mr. Morris responded yes, a bungalow is a Craftsman style home.

Mr. Reich said he thought the house would look better than the drawings. He said a gable on the back of the house was okay, but he questioned the need for the gable on the garage because it looks out of place. Mr. Reich suggested continuing the roofline from the house down to the garage, adding space on the second floor and adding a dormer on the second floor where windows are wanted. Mr. Reich noted the front is a shed dormer and that Mr. Morris could do a similar dormer on the garage to make it look like it is part of the overall composition, as an addition is supposed to look like it was part of the original composition.

Ms. Zoren added she was concerned about the prominence of the front-loading garage facing Sylvan Lane, as it takes prominence over the historic home. The addition should recede from the primary structure, so instead push the garage back to bring prominence back to the home. Mr. Morris responded that he would not be able to push the garage back, because due to the steep slope in the back of the property he only has 15-20 feet of yard. Ms. Tennor noted that it would be within two feet of the property line and Mr. Morris responded that the plans should be corrected to show a 6-foot setback.

Mr. Morris said he wants to relocate the electrical panels on the side of the house as one panel on the side of the new garage. Ms. Tennor agreed that would look better than the current location.

Mr. Reich sketched a new roofline for the addition and revised doors for the garage. Mr. Morris stated he is more than happy to alter the house roofline, as long as the interior space works and his wife does not lose her

craft room. Ms. Tennor agreed it is very important for the house to have a good roofline. Ms. Zoren sketched a redesign of the garage with a setback. Mr. Morris stated his concerns are leaving yard space for their dog and causing a redesign of the interior space, and relocating the electric panels to the opposite side of the garage because of the significant cost. He requested the electrical panel remain on the garage side closest to the newly determined front door.

Mr. Reich asked why Staff recommended denial of the new front door and porch on the north side of the house. Ms. Burgess explained Staff had concerns about materials, because Trex was proposed, and removal of the original front porch. Mr. Morris explained the Trex would have a wood look, but would not require the yearly maintenance of real wood.

Ms. Tennor asked Mr. Morris if he is changing the elevations on the current front of the house for the windows and doors. Mr. Morris responded that the windows will all remain the same on the west side except on the addition. He will be swapping out the current windows and replacing them for the whole house. The size of the replacement windows will be the same as the current. Mr. Morris noted that the current elevation of the porch is the same but that the west side door would be converted into a sliding door. Ms. Tennor stated that a new entry door on the north side would functionally be the front entry, however one could still interpret the long elevation on the west side as a front elevation, and there is an entry possibility on that porch. Mr. Morris acknowledged that could be true.

Ms. Tennor said the question is what becomes the primary entrance door functionally. Mr. Morris said he could see both sides as a possibility. Mr. Roth answered that due to the siting of the house on the hillside overlooking the river valley, it would not be unreasonable for the side with the view to function as the front of the house. Mr. Reich said he has no problem with the side of the house functioning as a front entry, but would be happier with preserving the elevation at the west entry. Mr. Reich noted that the elevation is currently symmetrical and questioned the new sliding door off to one side and relocated windows. Mr. Roth and Ms. Tennor were in agreement. Mr. Reich suggested that Mr. Morris preserve the west side of the house's historical character. Mr. Morris noted that he hoped to put a window where the front door is currently, as shown on AO-3. Mr. Morris asked if he could place a window where the current front door is, but replace the sliding door shown on AO-18 with a Craftsman style door. The Commission thought this would be an improvement.

Ms. Zoren said there were potential water draining issues with the proposed roof plan. Ms. Zoren suggested that Mr. Morris amend his drawings with the changes the HPC discussed, as well as a building section across both directions to understand the roof sections and how they interact with each other. Mr. Roth recommended the HPC not approve any requests at the current meeting, but give the Applicant feedback on things to reconcile, including Staff recommendations for denial, and the Applicant can come back at another meeting with the updated plans.

The Commission agreed that they took no issue with the approval for the shingles on the roof, the windows, the HardiePlank siding, the wrap-around porch, removal of the side porch and the ADA ramp, the replacement of the side entry sliding door with a Craftsman style fiberglass door, the relocation of the electrical panels, and the rear addition. The Commission requested improvements in the form of the garage setback, roof and doors, and a change of materials to wood for the porch. The Commission would deny demolition of the historic front porch, but the Applicant said he is keeping that.

Mr. Morris requested continuation of the application so he can return with revised drawings and more material considerations. The Commission agreed to a January continuation.

HPC-18-63 – 5819 Lawyers Hill Road (6219 Lawyers Hill Road per design guidelines map), Elkridge

Advisory Comments for Site Development Plan

Applicant: Donald R. Reuwer Jr.

Background & Scope of Work: The 8.76-acre property, containing an abandoned wood, shingle-sided, outbuilding and debris, is zoned R-ED (Residential: Environmental Development). It does not have a principal structure.

The site is in the Lawyers Hill Historic District, which is a local and a National Register Historic District that spans I-95. The District is significant for its contributions to architecture, as well as community planning and development. The National Register nomination states, "The Lawyers Hill Historic District is significant for its diverse collection of Victorian-era architecture and for its role as a 19th century summer community and early commuter suburb for prominent Baltimoreans...The Hill's unique character is based on its concentration of 19th century domestic dwellings located in the center of the community along Lawyers Hill and Old Lawyers Hill roads. The structures represent a range of 19th century architectural styles. While the buildings vary in style, they are closely related in setting, scale and materials. Lawyers Hill is also significant for its landscape architecture and community planning. Houses were built to fit the contours of the hillside and blend with the natural landscape. Most of the buildings are set back at least one hundred yards from the narrow and winding roads, evoking the spirit of the pre-auto era. The natural and man-made landscape has been allowed to mature, shrouding the houses in foliage and creating thick canopies over the roads."

On April 5, 2018, the Applicant presented three development scenarios to the Historic Preservation Commission (HPC) for advisory comments and is now asking the same for a new plan. The application includes a color and black and white copy of the plan, and photos of the site, existing houses in the Lawyers Hill Historic District and those of the proposed homes. The Applicant has requested HPC comments on the "typical Beazer home" and any necessary modifications to the architecture or exterior materials.

The Applicant proposes 17 single family lots and will be submitting a preliminary equivalent sketch plan (SP) to the Department of Planning and Zoning (DPZ), which will be reviewed by the Planning Board. The lots range from approximately 6,200 to 8,600 square feet, with most around 6,200 square feet. The illustrative plan shows street trees along a new public road. While the black and white plan does not include the entire site, it appears that open space lot 18 is proposed along Lawyers Hill Road. Open space is also proposed between Lot 5 and 6 to buffer the historic Gables House (HO-389). The plan further shows that nine trees will be retained after development.

Photos of existing homes in the Lawyers Hill Historic District show a variety of architectural styles; mostly historic, but some modern. The proposed homes are suburban in character with brick facades and siding on the sides and rear, front loaded garages, gabled roofs, and front porticos or porches. Some porches are supported by square columns, while others by flared Craftsman style columns. Some homes combine materials on the front façade, such as brick and siding, or a stone veneer and siding.

Staff Comments: Landscaping is an important feature in the Lawyers Hill Historic District: The nomination form explains, "historically, there has been a great emphasis on landscaping in Lawyers Hill...A wide diversity of forest trees continue to flourish on the hill, among them ash, beech, chestnut, sugar maple, oak, hickory, cedar, blue spruce, pine, lindens, dogwoods and hollies. Numerous ornamental trees and shrubs also survive on Lawyers Hill, some over one hundred years old, including boxwoods, paulownia, wisteria, rhododendron and roses. Mature fruit trees planted in the yards of many houses include apples, pears, peaches and cherry. The landscape is a carefully guarded legacy."

This goal has been supported through voluntary land easements that many property owners have added over the years. The easements in Lawyers Hill include Rockburn Land Trust easements, Conservation easements, Maryland Environmental Trust easements and Maryland Historical Trust easements (easements are shown in Figure 17 in green and blue, and the subject property is shown with a red star).

Many architectural styles are found in Lawyers Hill. Chapter 3 of the Design Guidelines states that these include a variety of late 18th and 19th century styles such as: Dutch Colonial, Gothic Revival Cottage, Italianate, Stick Style, Queen Anne, and Shingle Style, as well as 20th century styles such as, Dutch Colonial Revival, Shingle Style Revival, and Craftsman. In addition, there are several modern houses, but they are on wooded lots and not highly visible. Chapter 8.C explains that "historic homes range from one and one-half to three stories in height, with several one-story homes among the more recently constructed houses. Wood frame construction is dominant."

The photos of the proposed homes show a mix of brick or stone veneer facades with siding on the sides and rear. They include multiple siding materials and features such as multiple gable pitches within a single roofline. While these design features may not be compatible with historic homes in Lawyers Hill, the Guidelines explain that "new homes need not attempt to replicate historic styles. However, to preserve the historic character and value of the district, new buildings visible from the District's public roads should be compatible with the form and scale of the historic homes." While the proposed homes are not consistent with this recommendation, their individual elements may be. The HPC should, therefore, provide advice on elements that could be considered consistent.

Section 16.607 of the County Code states that the Commission "shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area." The HPC should consider this statement when deciding on the architectural character of the proposed homes.

Chapter 7 of the Lawyers Hill Design Guidelines further addresses new construction: additions, porches, garages and outbuildings. Chapter 7.B states, "although garages and carports are not a common feature in Lawyers Hill, the garages and carports that do exist provide examples of appropriate design for new structures." Chapter 7.B recommends to, "design new garages and carports to be compatible with the materials, colors and scale of the existing house" and "place new detached garages or carports to the rear of the house, separated from the house by a substantial setback" and "on early 20th century houses, use attached carports placed on the side or rear of a house, in a location where the construction does not damage or obscure important architectural features." The proposed homes show two-car, front-loading garages, which is inconsistent with the Guidelines. Chapter 7.B also recommends against, "placing a new garage or carport where it blocks or obscures views of a historic house, is highly visible from a public road, or is in a front yard."

Chapter 8 of the Guidelines provides recommendations for new homes and principal structures. Chapter 8.A explains, "because Lawyers Hill grew incrementally, there are a variety of lot sizes and shapes, and homes vary in their distances or setbacks from the roads. Most homes are set back substantially from public roads and screened by trees and shrubs. New development should continue this pattern, which is part of the historic environmental setting of the District, by providing substantial landscaping and locating new structures with large setbacks from Lawyers Hill Road and Old Lawyers Hill Road. New subdivision lots should be designed to allow new homes to have setbacks from these roads similar to those of older houses on neighboring lots."

The proposed development will be set back significantly from Lawyers Hill Road. The illustrative plan proposes an expansive lawn between Lawyers Hill Road and the new homes. Chapter 8.A.1 recommends, "provide large setbacks between new houses and Lawyers Hill Road or Old Lawyers Hill Road. Retain existing vegetation and plant new vegetation to screen new homes from these roads." While the site plan does not indicate how many

trees will be removed in this area, it appears that many will be. As many trees as possible should be retained to best comply with the Guidelines.

The open space between Lots 5 and 6, provides a buffer to the Gables House, consistent with Chapter 8.A.2, which recommends against, "locating new homes so that they block existing views of historic homes from public roads."

Chapter 8.B discusses site design and that home sites in Lawyers Hill were originally designed to blend with the rolling hillsides and that trees were retained by limiting clearing and grading. Chapter 8.B explains, "properties were informally landscaped with an assortment of ornamental trees, shrubs and flowers. Mature trees and shrubs and open, naturalized landscape patterns contribute greatly to the Historic District's environmental setting. It is important that new construction retain these landscape characteristics."

Staff Recommendation: The HPC should consider requesting additional details regarding which home model or elements of each model are proposed; the number and location of trees proposed for removal; and the proposed layout and siting of the individual houses.

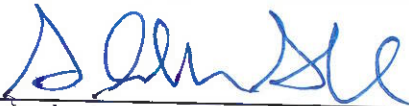
Testimony: This case was postponed due to time constraints. There was no testimony.

Motion: No motion was given because the Application was postponed.


Mr. Shad requested Staff arrange for a January meeting for the continued application #18-62 and the postponed application #18-63. The Commission agreed. Staff to confirm a meeting date and contact every person who completed the testimony list for the applications.

Mr. Roth moved to adjourn. Mr. Reich seconded. The motion was unanimously approved and the meeting was adjourned at 11:29 pm.

*Chapter and page references are from the Ellicott City or Lawyers Hill Historic District Design Guidelines.



Allan Shad, Chair



Beth Burgess, Executive Secretary



Kaitlyn Clifford, Recording Secretary