IN THE MATTER OF THE APPLICATION OF GAYLE CHARLENE KILLEN	* *	BEFORE THE HOWARD COUNTY
FOR A CERTIFICATE OF APPROVAL AND TAX CREDIT PRE-APPROVAL TO MAKE EXTERIOR ALTERATIONS AT 8572 FREDERICK ROAD/MAIN ST. ELLICOTT CITY, MARYLAND	* * *	HISTORIC PRESERVATION COMMISSION Case No. 20-75

* *

DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission ("Commission") convened a public hearing on November 5, 2020 to hear and consider the application of Gayle Charlene Killen ("Applicant"), for a Certificate of Approval and Tax Credit Pre-Approval to make exterior alterations at 8572 Frederick Road (aka Main Street), Ellicott City, Maryland (the "Subject Property"). The Commission members present were Allan Shad, Eileen Tenor, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the November 5, 2020 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the "Design Guidelines" or "Guidelines"); and (6) the general design guidelines listed in Rule 107 of the Commission's Rules of Procedure.

Summary of Testimony

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. The Applicant testified in support of the application.

Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

A. The Subject Property

This property is located in the Ellicott City Historic District and is listed on the Historic Sites Inventory as HO-482, historically associated with the Mercer-Kuhn families, and is mentioned as early as 1861.

B. Proposed Improvements

The current application proposes to make the following alterations and repairs to the house and seeks tax credit pre-approval for items 1-7 below:

1. Remove the existing brown asphalt roofing.
2. Install Firestone's Clad-Gard SA-FR as the new roof/subsurface and then install black Tesla Solar roof tiles on top.
3. There will be visible wiring in galvanized conduit pipe on the exterior of the house.
4. Replace side porch roofing (brown asphalt shingle) and replace with Galvalume metal roofing.

5. Remove green asbestos shingles and restore original siding wood lapboard siding and paint gray.

6. Repoint existing brown mortar with gray mortar (MS100 Gray mortar color) to match the original gray siding color.

7. Install new gutters if needed, to be 6" half round galvanized steel 26 gauge, with 6" half round gutter hangers, and copper half round rain chains in lieu of downspouts.

8. The left side front door awning was removed by a storm and the right side front door awning will be removed. The Applicant would like to install awnings in the future that are more historically appropriate and is seeking recommendations from the Commission.

C. <u>Staff Report</u>

Solar Panels and Other Solar Devices

1) *The Guidelines recommend, "Add solar panels on roof surfaces not visible from a public way. However, solar shingles may be added to a roof surface visible from a public way if low or non-reflective shingles are used."*
2) *The Guidelines recommend against, "removing historic roofing materials in order to add solar panels."*

The Applicant indicated the tiles are shine/reflective. It should be determined if the proposed shingles are low or non-reflective, or high reflective. Staff has inquired if a sample roof tile is available, and the Applicant is trying to obtain one. The Tesla website provides the following information on the solar roof tiles:

- The solar roof tiles are made with textured tempered glass, consisting of quartz.
- The tiles are three times stronger than standard roofing tiles.
- The solar roof includes two types of glass tiles, a solar tile and non-solar tile.

The Applicant provided a link to a video that demonstrates the reflective qualities of the roof tiles. The video is a training video that shows how firefighters and other rescuers

operate on and with the roof in the event of fire or another emergency. The video shows close up views of the solar roof shingles.

The existing roofing material is a brown asphalt shingle, so historic roofing materials will not be removed in order to add the solar roof tiles.

Solar Panels and Other Solar Devices

3) *The Guidelines recommend, "Select solar panels, solar devices, mechanical equipment and mounting structures with non-reflective finishes such as an anodized finish."*
4) *The Guidelines recommend, "paint mechanical equipment attached to the building fascia the same color as the fascia in order to blend into the building.*

There will be two Tesla Powerwalls for backup energy installed inside the house. The supplemental follow up information provided by the Applicant states that there will be visible exterior wiring in a galvanized conduit pipe. The location and amount of wiring/conduit is unknown. More information on the location/amount of any wiring/conduit is needed. The galvanized conduit may blend with the proposed gray siding color, but photos of the proposal would assist in determining this.

Chapter 6.C: Rehabilitation and Maintenance of Existing Buildings, Masonry

5) *Chapter 6.C recommends, "Repair rather than replace masonry walls, through repointing and limited replacement of masonry with units that match the size, color and texture of damaged or missing units."*
6) *Chapter 6.C recommends, "If a masonry wall or feature must be replaced, use material as similar to the original as possible, particularly if the materials are visible from a public road or are key elements of the building's style or character."*
7) *Chapter 6.C recommends, "Use mortar mixes that are compatible with early stone and brick."*
8) *Chapter 6.C recommends against "removing functional mortar in order to repoint" and recommends "remove and replace deteriorated mortar only."*

The proposal to repoint all mortar on the building in a new color does not comply with the Guideline recommendations. Only deteriorated mortar, or that which is patched incorrectly with concrete, should be replaced with a mortar mix compatible with the historic

stone and in a color to match the existing brown mortar. Limiting repointing to the mortar joints that are deteriorated and patched incorrectly, using a color in-kind to match the existing, would be eligible for 20.112 tax credits.

Chapter 6.D: Rehabilitation and Maintenance of Existing Buildings; Wood Siding, Shingles and Logs

9) *Chapter 6.D recommends, "Remove asbestos shingles, aluminum siding or other coverings from historic buildings and repair or restore the original wall material."*

The Applicant proposes to remove the existing asbestos siding and restore the wood siding underneath. The siding will then be painted Benjamin Moore Storm AF-700, a gray color. The application does not reference the potential need to add new siding in the event the existing wood lap siding is damaged or not salvageable. However, the in-kind replacement with new wood lap siding to match the existing would be eligible for 20.112 tax credits, along with the removal of the asbestos and restoration of the existing wood lap siding.

Chapter 6.E: Rehabilitation and Maintenance of Existing Buildings; Roofs, Dormers and Gutters

10) *Chapter 6.E recommends, "Use gutters and downspouts of painted metal or prefinished aluminum in a color consistent with the building's exterior walls or trim. Locate downspouts along natural vertical lines and corners of the building.*

The Applicant proposes to install 6" half round galvanized gutters and a copper rain chain in place downspouts. The Applicant picked out the proposed gutters and rain chain if new gutters are needed when replacing the roof. The use of half round gutters is a historically appropriate style. The galvanized gutters will not match the trim on the building but may be compatible with the proposed gray siding. The Guidelines do not provide recommendations on the use of a rain chain in place of a downspout. The installation of new gutters, or repair of the existing (if it is determined that total replacement is not needed), would qualify for the 20.112 tax credits.

D. Staff Recommendation

Staff recommends the HPC pre-approve all in-kind maintenance for tax credit pre-approval to consist of using a matching mortar, galvanized half round gutters, the removal of the asbestos siding and wood siding restoration and painting.

Staff recommends the HPC determine if the roof replacement using Tesla solar shingles and galvalume metal roofing, rain chains and gray repointing, complies with the Guidelines recommendations and approve or deny accordingly. Staff recommends the HPC determine if those items qualify for tax credits and approve or deny accordingly.

Staff also recommends that the HPC provide advice on historically appropriate awnings that could be installed at the two entryways on the front of the building.

E. Testimony

Mr. Roth and Mr. Reich recused themselves from the proceedings for this application.

Public Testimony

Mr. Shad swore in Ms. Killen and asked if Ms. Killen had additional comments on the staff report. Ms. Killen had no comments to add.

For Item 1, the Commission had no issue with the removal of the asphalt roof.

For Item 2, Ms. Zoren and Ms. Tennor found the solar roof tiles more acceptable than the proposal to use solar panels from the previous application. The Commissioners found the roof tiles to have a more compatible scale with the historic structure as the scale of the tiles mimics the scale of a slate roof. The Commission requested a sample of the solar roof tile in order to assess the shiny and reflective quality of the product, as the solar roof tile would be a new material that the Commission has never seen before and would set a precedent in the Historic District. Ms. Killen explained that she had asked Tesla for a sample of the product

but was not able to get a sample in time of the meeting and was not sure Tesla would send her a sample, as the product was available in the Tesla showroom in Owings Mills. Ms. Killen explained that the ridged, textured surface of the tiles makes it less reflective than a metal roof. The Commission and the Applicant discussed the videos referenced in the application. The Commissioners said the video was helpful, but a physical sample needs to be seen. Ms. Tennor said the Tesla product was appropriate given the proximity of the property to a more industrial part of the Historic District. Ms. Tennor agreed with Ms. Zoren's comment that the tiles looked more like slate.

The Commission discussed the possibility of members going to the showroom in Owings Mills to view the product in person and continue the roof tile request to the next month's meeting. Ms. Killen agreed to have Item 2 continued at the next month's meeting.

For Item 3, the Commission said that it seemed the galvanized conduit was contingent upon the solar roof tiles. Ms. Zoren said it would be fine as long as it was installed neatly and blended in with the siding choice The Commission recommended the piping conduit should not be visible from Main Street. Mr. Shad asked if the conduit would be visible from the front of the house. Ms. Killen said the conduit would be on the side of the house.

For Item 4, Ms. Zoren said the corrugated metal roof would not be a good choice for the side porch roof and was not sure if the roof would be visible from Main Street. Ms. Zoren could not recall other instances of that roofing material being visible from Main Street. Ms. Zoren suggested the Applicant come back to the Commission with another suggestion for the side porch roof. Ms. Tennor was concerned of rusting with the galvanized metal, but Mr. Shad clarified the material was galvalume, an aluminum product. Ms. Killen said the material was a composite made up of aluminum, silicon and zinc to help protect from oxidization.

For Item 5, the Commissioners said removing the green asbestos shingles and restoring the original wood lap siding painted gray, with tax credit pre-approval, was appropriate. Ms. Tennor said it would be good to have a gray siding sample on-site, as the stone has brown tones.

For Item 6, the Commissioners agreed with Staff comments about switching the mortar color from brown to gray would not be appropriate and is not compatible with the color of the stone on the building. The Commission said repointing the brown mortar as necessary would be appropriate and eligible for tax credits.

For Item 7, Ms. Tennor asked if the gutters were composite and Ms. Killen said the gutters were steel. The Commission said the half round gutters were appropriate for the historic house. The Commission said the rain chains would be nice and be a good look for the house.

For Item 8, the Commission gave Advisory Comments on the awnings. The Commission said the removal of the awnings was appropriate and discussed the idea of having the awnings be the same size over each of the doors versus having one larger awning to create a primary entrance and a smaller awning creating a secondary entrance. Ms. Killen said she was proposing to have both awnings be the same size. Ms. Tennor said she was more inclined to have one awning be dominate on the stone portion of the building and the other awning be secondary in size. The Commission asked the Applicant to provide a layout and product data for the awnings and return to the Commission with this information through the Minor Alteration process.

Mr. Shad swore in Joel Hurewitz. Mr. Hurewitz said the Commission should try to make the solar roof tile work if they can. Mr. Hurewitz did not understand how the

Commission would be able to determine if the roof tiles shine, or reflectiveness in viewing the tile in the showroom as the light conditions would not be the same on the tile as it would be on top of a building at noon in the middle of the day. Mr. Hurewitz said the conduit can be painted to match any color and could also be put in a faux downspout. Mr. Hurewitz sent Ms. Burgess some websites discussing solar in Washington, D.C. and information on solar in the state of Georgia. Mr. Hurewitz said he understood the Commission is setting a modern precedent in Historic Ellicott City and if the solar roof tiles can blend with historic conditions such as looking like slate panels, it would be advisable.

Ms. Killen acknowledged the case would be precedent setting and others may want to contribute and asked what the best format was for additional information to be submitted for the continuation and asked how other contributors could weigh in on the decision. The Commissioners said they would go to the showroom to look at the solar roof tile at their discretion and additional information should be submitted before the next meeting, following the directions of how to submit additional information on the Commission's website.

Ms. Holmes asked the Commissioners to be clear about in-kind repointing of the mortar and consider the Staff Report comments about replacing the wood lap siding in-kind if portions could not be repaired when the asbestos was removed, for tax credit pre-approval. Ms. Holmes explained to Ms. Killen that if she encountered an issue where repair was not possible, they wanted to include replacement now, so that Ms. Killen could procced with the work and not need to come back for approval. Ms. Holmes asked if Ms. Killen would like to amend her application. Ms. Killen agreed and amended the application to replace wood siding in-kind as needed during the siding repair.

Ms. Tennor confirmed the Applicant was ok to continue the application for the solar tiles and Ms. Killen agreed to continue the request for solar tiles. The Chair stated the solar tiles would be continued.

F. Motion

Ms. Tennor moved to approve the application as submitted for Items 1, 3, 4, 5, 7. Ms. Zoren seconded. The motion was unanimously approved.

Ms. Killen asked to amend Item 6 to include the request to remove cement covering the mortar on the brick and she would be willing to repoint the mortar in-kind with the color existing. The Commission were confused by Ms. Killen's request to remove cement from over the mortar on the brick as that was not in the application request. Ms. Holmes told the Commission the supplemental information provided with the application explained there was modern cement that needed to be removed for proper repointing.

Ms. Tennor reaffirmed her motion to approve items 1, 3, 4, 5, and 7, and to allow for in-kind replacement of any wood siding that might need to be replaced rather than rehabilitated. Ms. Zoren seconded. The motion was unanimously approved.

Regarding Item 6, Ms. Tennor moved that the application has been amended by verbal testimony that the replacement or repointing of the existing mortar will be an in-kind replacement, per Historic Preservation Guidelines and tax credit pre-approval. Ms. Zoren seconded. The motion was unanimously approved.

Conclusions of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

> (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
> (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
> (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
> (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

> It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle 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.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 6 sets forth the relevant recommendations for Rehabilitation and Maintenance of Existing Buildings in the Historic District, and the Solar Panels Guidelines set forth recommendations for solar panels, as detailed in the Findings of Fact, part C.

B. <u>Application of Standards</u>

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant seeks approval to replace an existing asphalt shingle roof with a solar roof constructed with a new type of solar roofing material, Tesla Solar roof tiles, and to replace a side porch asphalt single roof with Galvalume metal roofing. The Applicant also propose to remove green asbestos shingle siding and restore the original wood lapboard siding, to be painted gray and to repoint mortar and install new 6" half-round galvanized gutters as needed, with copper rainchains serving as downspouts.

Due to a lack of information about the appearance of the Tesla Solar tiles, the Commission and Applicant agreed to continue that part of the application but move forward with the remainder of the proposed work.

The existing roof material for the main roof is not historic and therefore the Commission approves the removal contingent on approval of the replacement roof material. Similarly, the existing roof material for the side porch roof is not historic and replacement with the type of metal product proposed is in accord with Guideline recommendations, which explain that historic roofing materials include metal. Given the historic industrial aspect of this building and its location in the more industrial West End of town, the galvalume metal roof is appropriate in this instance.

The removal of the modern asbestos shingle siding and restoration and repair of the original wood lapboard siding is recommended by the Guidelines. The proposed gray color is compatible with the building and neighboring structures. Repointing the mortar is also recommended by the Guidelines when done correctly, which here means matching the existing color, which the Applicant has agreed to do. The proposed gutters also meet Guideline recommendations to use historically and architecturally appropriate materials.

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 3 to 0, it is this 3rd day of December, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval and tax credit pre-approval to make exterior alterations at the Subject Property, is **APPROVED as detailed herein and with approval of the roof removal contingent on future approval of the replacement roof materials**.

HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

Allan Shad, Chair

Eileen Tennor / KH
Eileen Tennor, Vice-Chair

Recused
Drew Roth

Recused
Bruno Reich

Erica Zoren / KH
Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW

Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.