



HISTORIC DISTRICT REVIEW BOARD

Regular Meeting

Town Hall

June 18, 2013

4:30 p.m.

At approximately 4:30 p.m. Chairman David Gay, having established a quorum, called to order the Regular Meeting of the Historic District Review Board. In addition to David Gay, present were John Caton, Joe Fehrer, Terry Strub and Ted Warner. Also in attendance were Town Manager Heather Arcos, Town Planner Rob Testerman, Assistant Town Clerk Amanda Hurley and Dave McCormack of Charon Ventures, LLC. There were approximately seven members of the public in attendance.

The Board observed a moment of silence which was followed by the recitation of the Pledge of Allegiance.

CONSENT AGENDA:

There were no changes to the agenda.

Motion made by Joe Fehrer, seconded by Terry Strub, and unanimously approved to accept the agenda as presented.

The Historic District Review Board reviewed the minutes of the May 21, 2013 Regular Meeting.

Motion made by Joe Fehrer, seconded by Ted Warner, to approve the minutes of the May 21, 2013 Regular Meeting as presented. The motion was unanimously approved.

NEW BUSINESS:

A. *HDRB Representative to Harbor Area Review Board:*

Rob Testerman informed the Board that a representative from the Historic District Review Board also served on the Harbor Area Review Board. This Board included one representative from Town Council, two from Planning Commission, one from HDRB and three citizens as stated in the Zoning Ordinance.

Ted Warner asked what the HARB was and Rob Testerman explained that when applications were received for construction in that area, they were to be reviewed by the HARB for discussion and approval and went on to state that this Board viewed a broader range of applications than the HDRB.

David Gay asked if there were any volunteers for HARB and Joe Fehrer stated that he would serve.

B. *HDRB By-Laws Change:*

Rob Testerman stated that a Public Hearing needed to be scheduled to change the meeting time from 4:30p.m. to 5:00p.m.

Motion made by Terry Strub, seconded by Ted Warner, to schedule a Public Hearing at the next HDRB Regular Meeting to change the meeting time from 4:30p.m. to 5:00p.m.

Discussion continued regarding the By-Laws. Ted Warner stated that he wanted to see a time for public comment added to the agenda. Joe Fehrer gave the example of the BZA he served on in Maryland stating that after the applicant gave their case, the Board asked questions of the applicant and then the Chair of the Zoning Commission opened to the audience if anyone wanted to speak for or against the application and they were restricted to a certain time limit. David Gay agreed that it was important to listen to the commentary while also making sure to get business done. Joe Fehrer clarified that he was a strong proponent in open governmental proceedings, but stated there must be a mechanism by which members of the Board and the applicant interact with the public and that

was handled by the Board's attorney or the Chairperson. Otherwise, this resulted in a never ending discussion and was not fair to the Board, applicant or staff. Rob Testerman stated that he would look into this and would bring some ideas to the Board at the next meeting. A Public Hearing would then be scheduled to change the By-Laws. Rob Testerman explained that in Accomack County, staff would read their report, the applicant would give a brief five minute presentation, the public who had signed in was given three minutes and the applicant was given an additional five minutes as a rebuttal to address any questions the public had asked.

No vote was taken regarding the motion.

C. 423 Plum Street, Cape Charles School – modification to exterior walls, windows, doors, and roof:

Rob Testerman stated that he had received the completed application for renovations to the Cape Charles School. The building was a contributing structure and the applicant was proposing to do the following: i) Gently clean the exterior walls and repair deteriorated mortar and masonry; ii) Replace the existing modern rubber membrane roof with a new PVC roof; iii) Restore historic windows and replace modern aluminum frame windows and; iv) Replicate historic front doors, restore and replicate transoms, and insert compatible new doors where historic doors were undocumented. Rob Testerman explained that there were many modifications proposed for the interior, but the purview of the HDRB was the architectural exterior of the structure. David Gay stated that Rob Testerman was incorrect and went on to state that he had called the Virginia Department of Interior and was informed that it was the purview of the Board in cases where there were features which changed the interior of the building and could be seen from the outside. David Gay asked Rob Testerman what date he had begun working for the Town. Rob Testerman replied that he started May 31st and David Gay went on to talk about the application for 423 Plum Street, stating that it was received on May 1st, but not sent to the HDRB until June 12th and pointed out that the application had been available for 42 days and the HDRB did not receive it until just before the meeting which did not allow much time to review it. Heather Arcos stated that the application was not complete until approximately May 24th due to missing items from the applicant and went on to explain that applications were submitted to the Planner and the Planner could request additional supporting documentation and information of the applicant. David Gay stated that there were restrictions within the Guidelines that indicated the HDRB needed to respond within a certain period of time from the date of application and he went on to state that the Board should receive the documents in a timely manner if they were to be held to those Guidelines. Rob Testerman explained that Staff had to have time to complete their review and compile reports and noted that the Board could table the decision if they needed more time. David Gay commented that there was a lot of detail in the application and wanted to make sure the Board went through the process to ensure they had looked at all the various aspects and that they were not just a rubber stamp because if that was the case, there was no need for the Board.

Rob Testerman explained that the Board could place additional conditions to the conditional approval the U.S. Department of the Interior National Park Service requested. In order to receive historic tax credits, the developer had to abide by the conditions laid out by the National Park Service and the Department of Historic Resources. Rob Testerman referred to a photo taken before 1963 that showed the old style 12 over 12 windows that the applicant was proposing to go back to and went on to discuss the other modifications. David Gay questioned if there had been any research done and Dave McCormack responded stating that Paige Pollard who was their historic consultant had photos from year books and if they were unsure of what had existed, the National Park Service and the Department of Historic Resources preferred the developer to add something that did not replicate a false sense of history. Dave McCormack stated that they chose a period of significance by what respected a building and kept the historic look. Terry Strub confirmed that the time period the applicant was considering was 1953-1963. Dave McCormack stated that they were reacting to the comments from DHR and the National Park Service on the conditions, an example being the skylights in the gymnasium and the HVAC units on the roof to make sure all the modern conveniences were out of sight.

Rob Testerman stated that the staff recommendation to the Board was to approve the modifications to 423 Plum Street upon approval of conditions put forth by the DHR and National Park Service. Terry Strub asked if the Board revisited the application every time a condition was met or whether

the application was approved as a whole with the assumption that all conditions would be met. Rob Testerman clarified that if conditions were not met, there would be a penalty under the zoning code.

Rob Testerman offered to answer any questions the Board had or they could direct them to the applicant. Terry Strub asked which windows were to be replaced and Dave McCormack stated that all louvered windows were to be replaced by 12 over 12 windows and referred to the historic photo. Rob Testerman explained that the packet contained interior modifications for informational purposes only since they did not fall under the purview of the HDRB. David Gay commented that he would like to have seen a full size set of plans and Ted Warner suggested drawing arrows on the photos in the packet to identify the proposed changes and went on to state that he felt uninformed. David Gay agreed stating that he felt that the Board was being asked to make a decision with only half of the information. Ted Warner stated that the proposal was not prepared with the HDRB in mind because the applications were for tax credits.

There was discussion about the repairs of the permastone as well as the possibility of being able to see an interior wall from the exterior. Dave McCormack commented that he had provided part two of the packet as a courtesy to supply additional information showing compliance not only with the HDRB, but with DHR and the National Park Service. David Gay pointed out that the applicant was proposing to change the parking area and when he spoke with the Virginia Department of the Interior, they explained that considering the kind of building it was, the landscaping and the design of the exterior property was part of the context of the building. David Gay went on to state that these features had meaning to the building and to the Town and gave the example of the semi-circular driveway that used to be in front of the school.

Terry Strub questioned the fire escapes and asked if that was part of what the Board needed to approve and pointed out that they were not shown in the plans. David Gay stated that those would be on the exterior of the building and Dave McCormack explained that ingress and egress was part of the interior of the building and two means of getting up and down the stairs satisfied the Building Code like a fire escape.

Joe Fehrer asked Rob Testerman whose purview it was to approve landscaping plans. Rob Testerman replied stating that the application would have gone through a Conditional Use Permit and that this would have been reviewed during that process at Town Council Public Hearings. Joe Fehrer stated that if the Board reviewed landscaping for every application as it pertained to historic buildings, the Board would have to assume that they would be landscaping for the applicant and he went on to state that it was his understanding that the Board looked at how the building was re-used and re-purposed. David Gay commented that putting in a parking lot versus a driveway was a big deal. Joe Fehrer had a background of 28 years in historic restoration and it was his philosophy to strive for historical accuracy, and when that was not possible, there had to be a separation between what was new and what was old. Joe Fehrer asked how the applicant could replicate the circle drive if the park had removed part of it, but David Gay stated that this assumption was not correct and went on to state that the park did not take any land away from the school, but the school had annexed that property and a semi-circular drive would fit in the existing space. Joe Fehrer reiterated that he did not think this issue was the purview of the Board to determine how that type of space was used, no more than he would feel that it was the purview of the Board to determine how someone used the parking behind their house adjacent to an alley. Rob Testerman clarified that Section 8.18.B.3.f of Article VIII of the Zoning Ordinance was the only place where landscaping was mentioned and it stated that HDRB approval was required for, "Landscaping which involves major changes of grade or walls and fences more than three-and-one-half feet in height." Rob Testerman went on to state that he did not believe the parking area was the purview of the Board because parking regulations were reviewed through the Zoning Ordinance and also stated that VDOT had requirements and access regulations. Heather Arcos explained that parking was reviewed and calculated when plans were submitted to the Code Official.

David Gay asked the Board if they wanted to go over each item in the proposal to make sure they fully understood what was being asked for their approval. Joe Fehrer asked if it would be helpful if the applicant discussed the existing features and proposed modifications. Dave McCormack discussed and demonstrated the modifications with the historic photo and these included: i)

Replacement of more efficient 12 over 12 windows; ii) Repair and replacement of permastone and brick to match existing and; iii) Roof replacement to a weather resistant PVC to comply with Code.

Ted Warner expressed his concern about the incorporation of new brick to the old brick and Dave McCormack stated that he would be glad to send photos and a presentation of buildings they had renovated in other towns to show the integration and went on to explain that DHR visited sites when they were completed and if they were not in compliance they would not receive the tax credits. Brick was the most rejected during site reviews. Joe Fehrer stated that the height of the mechanical units on the roof was a concern because they should not be seen from the street. Dave McCormack stated that the units would be approximately two and a half feet high and placed in a location on the roof where they were not visible. Terry Strub confirmed that there were 17 apartment units and there would be one mechanical unit for each. David Gay stated that the documentation referred to bedrooms when he had initially heard them referred to as one bedroom lofts. Dave McCormack stated that from a marketing standpoint, the term was interchangeable. Ted Warner questioned what the function of the gymnasium would be and Dave McCormack stated that it would be a family unit and DHR imposed this limitation. There was some discussion about the skylights in the gymnasium as well as the proposed windows and doors. The applicant was proposing to replicate the historic doors to match historic photographs while maintaining code compliance for fire separation and remaining exterior doors were proposed to be modern aluminum storefront and modern metal security doors.

Terry Strub referred to number ten of the Certification Application- Part 2 and asked a question regarding the rear staircase on the western side of the gymnasium. Ted Warner commented that this item should have been included in the items the Board was asked to consider. Dave McCormack stated that he would send the plans to the Board.

David Gay continued asking questions regarding the interior which was not the Board's purview including: i) The gymnasium and why it was not historic; ii) The use of the historic black boards and; iii) The hardwood floors throughout.

Ted Warner stated that the description of what the applicant was asking the Board to do contained much information for the Board to consider and stated that he was not in the position to approve as he did not fully understand what the applicant intended to do.

David Gay recommended that the applicant provide the Board with additional information for their unanswered questions. Dave McCormack stated that he was glad to do so, but wanted to verify that the site was not the concern. David Gay commented that he did not believe a review had been done for people in the surrounding area to provide input on the site and that no one had considered their feelings and suggested that a survey should be done. Terry Strub and Joe Fehrer pointed out that a Town Council Public Hearing had previously been held for this purpose. There was much discussion on the definition and interpretation of the site and Ted Warner reiterated his concerns including the reference made to Section 8.18.B.3 of Article VIII of the Zoning Ordinance, specifically letter "c" regarding stairways, letter "f" regarding landscaping and letter "g" regarding the parking lot and semi-circular driveway.

Rob Testerman reiterated that the HDRB reviewed the exterior of a building and not the use or interior. Joe Fehrer stated that it was not the purview of the Board to have a Public Hearing since that was handled by Town Council. Ted Warner suggested that if there was information in the audience that was contributive to the question of historic nature, he felt it was worth hearing. Joe Fehrer stated that it was worth hearing but feared it would become another Public Hearing on an issue that Town Council had already resolved. Heather Arcos agreed with Terry Strub stating that she believed the Board was there to do a job and to make sure the applicant historically preserved, within the guidelines, the exterior of a building. David Gay stated that he was part of the community that was immediately surrounding the structure and no one asked him or his neighbors their input and went on to state that there was no effort done to reach out to specific people. Terry Strub asked David Gay what it was he would have liked to have been asked and he replied stating that he would have liked someone to state what they were intending to do and ask him if he had any feelings about it. It was pointed out that there were Town Council Public Hearings for this purpose and Rob

Testerman explained that these project proposals went through a Conditional Use Permit process in which adjacent property owners were sent notifications before a Public Hearing and given time to make comment or attend the meetings. Terry Strub believed that David Gay wanted to know that the decision the Board made was right for the majority of the people and receive affirmation from that, but she believed that he would not get it.

Rob Testerman stated that Tom Bonadeo informed him that the parking area was not under the review of the Board as it was a code enforcement issue. David Gay stated that he had talked with the Virginia Department of Interior and they stated differently. Rob Testerman stated that he could contact the DHR, National Park Service and other Historic District Review Boards to get their input. David Gay stated that the meeting was a good preliminary meeting to review the documents and formulate questions for the applicant to fill in the gaps and went on to state that he had spoken with someone from the Historic Tax Credits and was advised that it was up to the local HDRB to decide whether or not they had purview over exterior, landscaping, site and interior, dependent upon the type of building. Rob Testerman stated that if the interior was the purview of the Board, the whole Zoning Ordinance would have to be changed. There was much discussion regarding the parking and Dave McCormack stated that what they had already submitted was compliant with zoning and offered to send the Board photos of the parking they did next to the James Mallonee School in Hopewell, Virginia which was similar to the project at hand. Ted Warner stated that as a Board, they could vote whether they wanted to exert review of the parking lot and Joe Fehrer stated that would change the By-Laws. David Gay stated that he would like to table the decision until the next meeting and provide Dave McCormack with the questions the Board wanted clarification on. Dave McCormack suggested postponing the meeting for two months to meet again in August with the information the Board had requested.

Motion made by Terry Strub, seconded by Ted Warner, to table the discussion and vote for 423 Plum Street, Cape Charles School until August when the Board was provided the information requested including: i) Appearance and location of other proposed exterior changes such as stairs, fire escapes, ingress and egress; ii) Mock-ups; iii) Matching of new and old mortar, brick and permastone; iv) Item 10 of the Certification Application - Part 2- proposed look of the exterior stairs; v) Historical photos which provided the applicant with examples of proposed doors. The applicant stated that he would send the James Mallonee School PowerPoint presentation; vi) Photo of mechanical units on the roof of the James Mallonee School to show that they were not visible from the street; vii) Photo that pointed out which windows were wood. The motion was unanimously approved.

Terry Strub asked if the Board could take a tour of the School and Dave McCormack stated that he was happy to allow that and Heather Arcos stated that the Town could assist in coordinating that. Joe Fehrer asked if the Town Planner and Staff could contact other counties within the Commonwealth to obtain information on how they handled site review.

OLD BUSINESS:

There was no Old Business to discuss.

ANNOUNCEMENTS:

There were no Announcements.

Motion made by Joe Fehrer, seconded by John Caton, to adjourn the Historic District Review Board Regular Meeting. The motion was unanimously approved.

Chairman David Gay

Asst. Town Clerk