

**HISTORIC DISTRICT COMMISSION  
JULY 10, 2013**

Chairman Michael Lane called the regular meeting to order at 4:00 p.m. In attendance were Commission members Rob Busler, Alexa Cawley, Douglass Gates, Lucy Maddox and Nancy McGuire, Kees de Mooy, Zoning Administrator, Jennifer Mulligan, Stenographer and guests.

Mr. Lane stated that the Chestertown Historic District Commission takes its authority from Chapter 93 of the Code of the Town of Chestertown and operates under the Historic District Design Guidelines that were adopted by the Mayor and Council of Chestertown on October 7, 2002 and revised March 7, 2012.

Mr. Lane welcomed Ms. Cawley to the Commission.

Mr. Lane asked if there were any additions or corrections to the minutes of the meeting of June 5, 2013. **Mr. Gates moved to approve the minutes as submitted, was seconded by Mr. Busler and carried unanimously.**

Mr. Lane stated that the Annual Report for the Historic District Commission outlined what was done over the last twelve (12) months and asked for approval. **Mr. Busler moved to approve the Annual Report, was seconded by Ms. McGuire and carried unanimously.**

Mr. Lane stated that Judge Bowman's decision on the LED sign for the Garfield Center confirmed that neither the Design Guidelines nor the sign ordinance permit the LED sign. Consequently, the vote in January 2013 was negated. Mr. Lane stated that the finding that impacted the Commission most was relevant to Section 19.1-7B which states that every decision must have the concurrence of a majority of the voting members of the Commission. There were seven (7) voting members, and all approvals must have a minimum four (4) votes. Applications going forward from this date will require four (4) votes in order to be approved or denied.

The items on the consent calendar were as follows:

- a. BP2013-70 – Christ United Methodist Church, 401 High Street – shed;
- b. BP2013-71 – Mary Hurley, 214 Washington Avenue – fence;
- c. BP2013-72 – 7-Eleven, 212 Maple Avenue – sign;

**Mr. Busler moved to remove BP2013-70 from Christ United Methodist Church at 401 High Street for a shed from the consent calendar and also to table the matter as there was nobody present for the application, was seconded by Mr. Gates and carried unanimously.**

Mr. Lane asked to remove BP2013-72 from 7-Eleven at 212 Maple Avenue for a sign from the consent agenda.

**Mr. Busler moved to approve BP2013-71 from Mary Hurley at 214 Washington Avenue for a fence, was seconded by Mr. Gates and carried unanimously.**

The next item on the agenda was BP2013-72 from 7-Eleven at 212 Maple Avenue for a sign. Mr. Adil Saltani was present for the application. Mr. Lane stated that an acrylic sign was proposed, noting that a wooden sign with a light would work just as well. He said that he did not want to set a precedent of allowing acrylic signs. Mr. Saltani stated that he thought 7-Eleven would be amenable to a wooden sign. He said that gooseneck lamps were proposed over the sign. Mr. Fantani stated that the height of the sign was 7'5", the same as the height on the existing Bennett's II sign.

**Mr. Gates moved to approve the application as submitted, with the condition that the acrylic sign be made of wood, was seconded by Ms. Maddox and carried unanimously. (Vote 5-0)**

The next item on the agenda was BP2013-89(b) from GAR Post 25, Inc. for a modification to a steel staircase that was approved at the June meeting. Mr. Bob Ingersoll was present for the application. Mr. Ingersoll stated that the change was so substantial from what was approved at the last meeting that he wanted to present it again to the Historic District Commission. He said that all of the changes were in the plans shown today. Mr. Ingersoll stated that the stairway would now go across the side walkway and directly toward the street. There would be a platform halfway down the stairs to meet code. It also provides enough ADA access to the back elevator from a brick walk off the sidewalk. There would be crushed stone where the HVAC would be located. Mr. Ingersoll stated that he would like to have open risers, but it may not be permitted by code, noting that a mesh material or bar could be used instead.

**Mr. Busler stated that he was familiar with the application and said that the design has developed well and fits with the design of the building and moved to approve the stairs as submitted, was seconded by Ms. McGuire and carried unanimously. (Vote 5-0)**

The next item on the agenda was BP2013-56 from Bill Arrowood at 349/351 High Street for railings. There was nobody present for the application. **Mr. Gates moved to deny the application with an invitation to reapply, was seconded by Mr. Busler and carried unanimously.**

The next item on the agenda was BP2013-62 from Washington College for a concept plan for a new building at 215 Washington Avenue. Mr. Reid Raudenbush of Washington College and Ms. Suzanne Klein, architect with EYP Architects presented. Mr. Raudenbush stated that the College was making an application to the State of Maryland for \$4,000,000.00 matching construction grant for the construction of a new academic building. Mr. Raudenbush stated that EYP has prepared the documents for the grant package with a schematic concept plan for a new building on the site of the current Board of Education building.

Ms. Klein stated that building would be constructed in two (2) phases. Phase I would be about 13,700 square feet and situated perpendicular to the street. After Phase II was complete, the buildings in total would be 33,000 square feet. She said that cues were taken from the neighboring homes for massing and scale. Ms. Klein stated that Phase II would be slightly turned to open up the courtyard toward the campus. Extensive landscaping was planned, along with a brick wall and brick paving in keeping with Washington College campus. Parking would be off of Campus Avenue, minimizing ingress and egress from Washington Avenue. The planned parking lot has ten (10) parking spaces in Phase I and would grow to thirty (30) by completion of both phases.

Ms. Klein stated that the field behind the Board of Education would be geothermal wells and the College was looking to build a LEED gold project. Mr. Raudenbush stated that parking to the south of the building (access from Washington Avenue) would be eliminated.

Ms. Klein stated that there would be brick, Hardiplank and faux slate along the street front and on the base of the building. There would be simulated divided light aluminum clad windows used on the building. She said that they were considering two (2) different widths for the siding.

Mr. Lane asked how much taller the proposed building would be in regards to the neighboring residences. Ms. Klein stated that the overall height of the building was 45' tall so it would be taller than the residences on the street. She said that the drawings depicted as close to scale as possible the overall size of the proposed building and the surrounding residences.

Ms. Klein stated that the building was set beyond the setback of the neighboring houses. The sidewalk would be replaced with a brick sidewalk.

Mr. Busler stated that he would prefer a much more modern interpretation for the building. He said that he appreciated trying to fit into the Historic District, but thought a more modern scholastic building would be preferable.

Ms. McGuire stated that she thought the brick helped in not making such a sharp contrast between the residences and the proposed building.

Mr. Busler stated that along Washington Avenue are facades with grand front doors facing forward. He said that he was concerned about the stairwells being placed at the end of the buildings facing the street. Ms. Klein stated that ultimately the front door would be built in Phase II and located at the intersection of the two main blocks, at the student commons.

Mr. Lane asked if the mass would project above the rooftops from Campus Avenue. Ms. Klein stated that she did not think that the building would loom over the residences. Mr. Raudenbush stated that most of the adjacent homes were 3-storeys.

Mr. Raudenbush asked if the direction that the College was proceeding was a reasonable one. Mr. Busler stated that he would vote “no” if it was put forward as a proposal right now. Ms. Cawley stated that she liked that it sat in the neighborhood and tried to fit in with the houses. Mr. Lane reiterated his concern regarding the height of the new buildings.

The next item on the agenda was BP2013-67 from Sheila Austrian and South Fork Studio at 201 N. Water Street for a brick retaining wall and walkway. Ms. Austrian was present for the application and said that the brick proposed for the project was mostly salvaged from the house. **Ms. Maddox stated that she was familiar with the property and moved to approve a 12” brick wall along Water Street as shown in the drawing, and new section of wooden fence to match the existing wooden fence as shown in the drawing, was seconded by Ms. McGuire and carried unanimously. (Vote 5-0)**

The next item on the agenda was BP2013-69 from Chesapeake Bank & Trust at 245 High Street for an ATM machine. Mr. James Anthony of Chesapeake Bank & Trust and Mr. John Valecki, architect, presented. Ms. McGuire recused herself from considering the application. Mr. Anthony stated that design constraints were rigorous on this project and presented three (3) different options for the placement of the ATM on the Cross Street side of the bank. Mr. Anthony stated that ultimately the bank would like to access the machine from inside the building for security reasons. He said that the floor structure may present a problem in design, which was why they presented several options for approval.

Mr. Valecki explained the details incorporated into the ATM and the stairs, noting how it would blend with the building. They include concrete stair treads and columns, along with the brick to match the façade of the bank addition.

Mr. Anthony showed a sample of the brick indicating that it was the same brick used by the Town for the sidewalk.

Mr. Anthony stated that in one proposal a row of panes from a window would have to be removed, with the sill raised, in order for the ATM housing to work.

Mr. Anthony showed where signage would be placed, noting that it would be the same as the signs located on the building presently.

Mr. Anthony stated that lighting would be installed in the canopy to light both the sign and the entrance door. There would also be some lighting around the ATM housing. He said that he would also like to move the UPS and Fed Ex boxes from the front of the building to side next to the ATM.

Mr. Anthony stated that he would like to be able to move among the options in the approval, depending on what structural constraints they find. He said that there were also concerns over the size of the machine and where it would sit. He said that the preferred option was the first proposal.

Ms. Cawley asked if the ATM machine would be centered in Option 2. Mr. Anthony stated that he thought it would be centered but they would be working off of the flooring system from the beneath the building. He said that the constraints on access from the basement would dictate stairs to the ATM.

Mr. Gates moved to approve Option 1, with the understanding that the bank may have to build Option 2, leaving the bank to make the ultimate choice depending upon what they discover. There was no second on that motion.

Mr. Gates suggested doing the structural investigation and returning with the most viable option. Mr. Anthony asked why he would get a negative answer on any of the three proposed. Mr. Busler stated that he did not like option 2 because of the structural disturbance. Mr. de Mooy asked if Options 1 and 3 were not as safe for the employees. Mr. Anthony stated that options 1 and 3 would include a cut-out window inside the ATM housing so the cash could be passed through the wall of the bank, noting that the feeling of security was more of having to go through an exterior door. Mr. Anthony stated that he would like the approval of option 1 or 3 with the possibility that the bank may return with option 2 more fully vetted.

**Mr. Busler moved to approve Option 1 and/or Option 3 as submitted, and the possibility of Option 2, if it was to come back with an adjustment so that it would not touch the original building, was seconded by Mr. Gates and carried unanimously. (Vote 4-0)**

**Mr. Gates moved to approve the canopy as submitted, shown the same in Options 1 through 3, was seconded by Mr. Busler and carried unanimously.**

The last item on the agenda was BP2012-110 from Mr. Rob Busler at 209 Mount Vernon Avenue for a solar array. Mr. Lane read the application into the record.

Mr. Lane stated that at the last meeting the question of contributing versus non-contributing was debated. Mr. Lane stated that this property was constructed within the period of significance which was pre-1939. Mr. Busler stated that the description of what happens in determining contributing and non-contributing was that any building built later than 1939 or a building that may have been built before 1939, but due to substantial alterations has lost its significance and contributing status.

Mr. Busler stated that he had multiple pictures of the original building, as it was bought in 1985, and the alterations that were done to it prior to inclusion in the Historic District. He said that he thought the alterations made the house lose its contributing status, therefore leniency should be granted for alterations including solar on the front facade.

Mr. Busler stated that since he purchased the house, the façade material has changed, a porch was added to the front and there was an addition in the rear, altering the building significantly.

Ms. McGuire stated that the windows have not been changed and the roofline has not been changed.

Mr. Lane read into the record a report he wrote with the subject of "Discussion Points for Reclassifying a Structure from Contributing to Non-Contributing" (attached to this record).

Mr. Lane stated that under the current class of contributing, the Guidelines strongly recommend that solar panels not go on a primary façade, as proposed in this application. Mr. Lane stated that if the Commission saw this house as non-contributing there had to be an agreed upon means to reclassify this property from contributing to non-contributing.

Mr. Busler stated that the issue of whether the house was contributing or non-contributing was an aspect to the discussion, but not what he considered to be the most important issue. He said that he thought decisions were going to be on a case-by-case basis.

Mr. Lane stated that he thought the proposal was based on the fact that this building was non-contributing. Mr. Busler stated that was the way that it was presented at the last meeting by Mr. de Mooy. Mr. Busler stated that there were ways this could be viewed separately and said there was background to all of the application items in the packet.

Mr. Busler stated that he met three (3) out of four (4) of the Guideline's requirements for locations of solar panels. He said that the way the system would look on the building would not change the building and it would not alter the architectural character of the building, as shown in his photo mock-ups. He said that he went through the energy audit process and improved the building as per the requirements of the Guidelines. He said what he heard most was the way the solar panels would affect the streetscape if the building was not itself contributory.

Ms. Cawley asked if Mr. Busler was saying that by having made alterations to the house, he had turned it from contributing to non-contributing. Mr. Busler stated that he never thought the house was contributing in the first place. It was deemed by a professional outside source, not having the before and after photos to compare. Ms. McGuire stated that the survey was based on age and the architectural integrity of the structure.

Mr. de Mooy stated that there were sure to be questionable ratings in the survey. He said that there were many examples of a facade being changed in the Historic District, in both commercial and residential areas. He said that this particular property is in a contributing streetscape, nestled among many other contributing buildings.

Ms. McGuire stated that she read the entire application and she had comments. Ms. McGuire stated that she appreciated the finding of fact by Mr. Lane. Ms. McGuire stated that the repeated phrase "substantial alterations" has been used and instead of what has been done to the building the Commission should look to what has not been done. Ms.

McGuire stated that this was pretty much the same building that was built prior to 1939. The windows and roof line have not changed.

Ms. McGuire stated that she would have a difficult time saying that this building was non-contributing. Ms. McGuire stated that the Guidelines on page 46, Section III.12.6 second paragraph reads, "the installation of equipment or systems that reduce energy use and/or generate energy on a site for a property in the Historic District is generally encouraged. Pursuant to the first two Secretary of the Interior's Standards, the HDC requires that the historic character of the property shall be retained and preserved. The removal of historic materials or alteration of the features, spaces or landscapes that characterize a property shall be avoided. Installation of any renewable energy systems or ancillary equipment should avoid or minimize visibility from the public way."

Ms. McGuire stated that the Guidelines then go to solar hot water and solar photovoltaic collectors and reads, "Once an owner has completed the retrofits recommended by an energy auditor, solar hot water and photovoltaic can be considered, as long as their installation is consistent with the goals of the Historic District, which is to preserve and protect historic materials, architectural features and streetscapes. Roof mounted systems shall consist of low profile solar collectors at the same angle as the adjacent roof in a color that complements the existing roof color. The collectors shall be located away from the primary façade on secondary roofs or other appropriate locations as to the maximum extent feasible shall not project above the ridge line or otherwise be visible from the public way. A solar array may not obscure significant features or change the perception of the overall character of the roof form and the property in general. If placing an array on a flat roof, the panels can be installed flat or at an angle, but in either case they should be placed so that they are not seen from a primary public way." Ms. McGuire stated that the repeated use of "not seen from a public way" made it clear that the Historic District Commission cannot consider this application.

Mr. Busler asked if Ms. McGuire was saying that the alteration that have been done to the house are not enough to make it non-contributing, but the addition of the solar panels in the manner proposed, were so significant that they can't be approved. Ms. McGuire stated that she said the property was contributing because of what has not changed.

Mr. Busler stated that if he tried to propose the alterations to the house at this time, it would likely be rejected. Ms. McGuire stated that she was ignoring the porch because the main building has not been altered. Mr. Busler questioned why the porch could be ignored, but not the panels on the roof.

Ms. McGuire stated that the primary façade was the reason that she did not think that this application could be approved as it went against the Guidelines.

Mr. Lane presented a report on the National Trust for Historic Preservation and their guidelines for solar installation, which states that solar panels should be placed in areas that minimize their visibility from a public thoroughfare. He said that it also read, "The primary facade of a historic building is often the most architecturally distinctive and

publicly visible, and thus the most significant and character defining. To the greatest extent possible, avoid placing solar panels on street-facing walls or roofs..." (This report is attached to the minutes)

Mr. Lane stated that everything came back to the issue of the primary façade and that language indicates that solar panels should be located away from the primary façade.

Mr. Gates stated that solar panels existed and the Commission should look at what was written and how to accommodate them. He said that he did not think a solar array would destroy the historic integrity of a house. He said if they were properly installed and unobtrusive they should be allowed.

Mr. de Mooy stated that the Commission must follow the Guidelines. He said that there was a procedure for changing the Guidelines that must also be followed. Mr. de Mooy stated that the Guidelines indicated that on a contributing structure, solar panels cannot be installed on the front façade.

Ms. McGuire asked the reasoning for solar panels on a primary roof. Mr. Busler stated that a person with a south facing roof not facing the primary road should be encouraged to locate solar panels there. He said that he wanted to be 90% off the grid. Mr. Busler stated that he did not agree with the Guidelines.

Mr. Busler stated that the Commission has not determined that the property was contributing. Mr. de Mooy stated that the survey was approved and the property was deemed contributing.

Mr. Busler stated that if the solar panels were installed in 2005, before the house was in the Historic District, would that have changed the building's status to non-contributing. He said that the panels were attachments that can be removed and the building would still be there.

Ms. McGuire stated that she liked solar panels, but they did not belong on a primary roof, in a public way.

**Ms. McGuire moved to disapprove the application for the solar panels on the West/Southwest roof based upon the finding of fact on page 46 of the Design Guidelines, Section III.12.6 where it mentions that solar should not be on a primary roof or visible from the public way. The motion was seconded by Ms. Maddox and carried with four (4) in favor, Mr. Gates opposed. (Vote 4 to 1)**

Ms. Maddox stated that she thought the Guidelines should be more flexible.

There being no further business, **Mr. Gates moved to adjourn the meeting at 6:45 p.m., was seconded by Ms. McGuire and carried unanimously.**

Submitted by:

  
Jennifer Mulligan  
Stenographer

Approved by:

Michael Lane  
Chairman

## SOLAR PANEL INSTALLATION ON HISTORIC BUILDING

The Chestertown Historic District Commission will review an increasing number of applications for installation of solar panels. When reviewing these applications per Section III.12.6 (page 46) of the *Historic District Design Guidelines*, the HDC's overall objective is to preserve character-defining features and historic fabric while accommodating the need for solar access to the greatest extent possible. Thus, all solar panel installations must be considered on a case-by-case basis recognizing that the best option will depend on the characteristics of the property under consideration.

However, the HDC must keep in mind the Secretary of the Interior's Standards for Rehabilitation in the review process. The applicable Standards are: **Standard Two:** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided, and **Standard Nine:** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The National Trust for Historic Preservation, in *Design Guidelines for Solar Installations*, provides the following guidelines for solar panel installations.

**Locate solar panels on the site of a historic resource.** If possible, use a ground-mounted solar panel array. Consider solutions that respect the building's historic setting by locating arrays in an inconspicuous location, such as a rear or side yard, low to the ground, and sensitively screened to further limit visibility. Care should be taken to respect the historic landscape, including both its natural (i.e. topography) and designed (i.e. materials) features.

**Locate solar panels on new construction.** In cases where new buildings or new additions to historic buildings are proposed and approvable, encourage the placement of solar panels on the new construction. To achieve overall compatibility with the historic building and its setting, consider solutions that integrate the solar panel system in less visible areas of the new design.

**Locate solar panels on non-historic buildings and additions.** If the site cannot accommodate solar panels and the project does not include new construction, consider placing solar panels on an existing, non-historic addition or accessory structure. This will minimize the impact of solar installation on the significant features of the historic resource and protect the historic fabric against alteration.

**Place solar panels in areas that minimize their visibility from a public thoroughfare.** The primary façade of a historic building is often the most architecturally distinctive and publicly visible, and thus the most significant and character defining. To the greatest extent possible, avoid placing solar panels on street-facing walls or roofs, including those facing side streets. Installations below and behind parapet walls and dormers or on rear-facing roofs are often good choices.

**Avoid installations that would result in the permanent loss of significant, character-defining features of historic resources.** Solar panels should not require alterations to significant or character-defining features of a historic resource, such as altering existing roof lines or dormers. Avoid installations that obstruct views of significant architectural features (such as overlaying windows or decorative detailing) or intrude on views of neighboring historic properties in an historic district.

**Avoid solutions that would require or result in the removal or permanent alteration of historic fabric.** Solar panel installations should be reversible. The use of solar roof tiles, laminates, glazing, and other technologies that require the removal of intact historic fabric or that permanently alter or damage such fabric must be avoided. Consider the type and condition of the existing building fabric for which solar panels installation is proposed, as well as the method of attachment and future removal. Minimizing the number of points of attachment, including the use of brackets, will avoid damaging historic fabric.

**Require low profiles.** Solar panels should be flush with – or mounted no higher than a few inches above – the existing roof surface. They should not be visible above the roofline of a primary façade.

**On flat roofs, set solar panels back from the edge.** Because they are generally hidden from view, flat roofs can provide an ideal surface for solar panel arrays. To ensure that a solar installation is minimally visible, set the solar panels back from the roof's edge and adjust the angle and height of the panels as necessary.

**Avoid disjointed and multi-roof solutions.** Solar panels should be set at angles consistent with the slope or pitch of the supporting roof. For example, avoid solutions that would set panels at a 70 degree angle when the roof pitch is 45 degrees. In addition, solar panels should be located on one roof plane (as opposed to scattered among several roofs) and arranged in a pattern that matches the general shape and configuration of the roof upon which they are mounted.

**Ensure that solar panels, support structures, and conduits blend into the surrounding features of the historic resource.** The overall visibility and reflectivity of solar panels and their support structures can be substantially reduced if elements of the solar installation match the surrounding building fabric in color.

The HDC's approval or disapproval must be supported by a **Finding of Fact** utilizing similar information like that provided above.

7/10/2013

**TO:** HDC members  
**FROM:** Michael Lane, Chair  
**SUBJECT:** Judge Bowman's decision – Garfield's LED sign  
**DATE:** July 10, 2013

Judge Bowman's decision on June 6, 2013 confirmed that neither the *Historic District Design Guidelines* nor the Town of Chestertown's Sign Ordinance permit a LED sign in the historic district. His decision also stipulated that the 3-2 vote by the HDC to approve the Garfield's LED sign, at its January 2013 meeting, was invalid because it did not meet the four (4) vote threshold as required by Chapter 19, HISTORIC DISTRICT COMMISSION, Section 19-I-7 (B) (see specific language below) of the Town of Chestertown's Code of Ordinances. Judge Bowman also stated that there was no Finding of Fact for the same decision as required in Section 19-I-7 (A).

In all the years I have served on the HDC, the voting norm has been a majority of the quorum present to approve an application. Probably about 90%-95% of the applications have been approved unanimously. Only a small percentage has been approved or disapproved by a split vote. However, the judge's decision and Section 19-I-7 (B) point out that a vote of four (4), regardless of members present, is required to approve an application. Therefore, in all future meetings, four (4) votes will be required for approval.

#### **SECTION 19-I-7. DECISIONS.**

(A) *Content.* All decisions of the Commission, except rulings on preliminary matters or on motions or objections, must be based on the evidence contained in the official record. **Written decisions, containing findings of fact, conclusions of law, and an appropriate decision and order, will be issued with all decisions.** In all cases, each final decision will conclude with instructions to the Town Manager to:

- (1) Issue the permit as described in the application;
- (2) Issue the permit subject to the conditions stipulated in the decision; or
- (3) Deny the permit.

(B) *Voting requirements.* Every decision must have the concurrence of a majority of the voting members of the Commission.

(C) *Notification of decision.* All decisions of the Commission must be made publicly at a regular Historic District Commission meeting. The decision will be reflected in the permanent minutes of the Commission and in writing on the approved permit application.

**TO: Historic District Commission members**  
**FROM: Michael Lane, Chair**  
**DATE: July 10, 2013**  
**SUBJECT: DISCUSSION POINTS FOR RECLASSIFYING A STRUCTURE FROM  
'CONTRIBUTING' TO 'NONCONTRIBUTING'.**

**Where we are now.**

I will begin with the premise that all properties change over time. The Historic District Commission, utilizing its *Historic District Design Guidelines*, regularly reviews applications for alterations\* to structures within the Historic District. This review mirrors the Secretary of the Interior's Standards for Rehabilitation that defines rehabilitation as "the process of returning a property to a state of utility, through repair or **alteration**, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values." After evaluating the scope of work and its impact on the property and the street scape, the HDC approves the alteration(s), both minor and major, that allow an owner to make the house/structure more usable. At the same time the HDC uses its Guidelines to ensure that the essential physical features, those that enable the structure to convey its architectural, historical, or archaeological identity, are maintained.

Following its Guidelines, the HDC has approved such alterations as replacement of windows, doors, roofing, siding, railings, as well as foundations. It has approved new one- and two-story additions primarily on a building's rear or side elevation, new porches on the front façade, and porches or decks on the rear. The removal of rear and side additions as well as chimneys has also been approved. All of these alterations were approved on a case-by-case basis but have not created **substantial alteration** to the structures. Even with more than one of the above listed alterations, a structure's essential physical features are still visible.

The National Park Service, in its *National Register Bulletin – How To Apply The National Register Criteria For Evaluation*, lists seven (7) aspects of integrity\*\* when considering if the essential physical features are visible. They are: location, design, setting, materials, workmanship, feeling, and association. The same *National Register Bulletin* further states, on page five, "A property that has lost some historic materials or details can be eligible (for designation as a 'contributing' building) *if* it retains the majority of the features that illustrate its style in terms of massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation." Thus, a person can look at the structure and still ascertain that it is a Four Square, Queen Anne, Colonial, vernacular, or whatever style, even though an alteration has occurred.

**Reclassification**

There are two steps needed to establish a process for reclassifying a structure from 'contributing' to 'noncontributing'. The first step is to define what circumstance triggers a 'contributing' building being eligible for reclassification. Per question 13, page 24, of the *Historic District Design Guidelines*, a 'contributing' structure must have

undergone **substantial alteration** to be reclassified as 'noncontributing'. For purposes of this discussion, substantial alteration means the structure has lost its architectural, historical, or archaeological integrity.

The next step is developing justifiable criteria to support a **Finding of Fact**. Objective measurements must be used to support the final decision for changing a building's status to 'noncontributing'. The problem arises in identifying those objective metrics. The aspects of integrity, mentioned in the *National Register Bulletin* referenced above, may be a possible starting point. But the questions of weight (are all aspects of equal value?) and of measure still remain. Also, what do the words **some** and **majority** mean in the above mentioned quote in the *National Register Bulletin*? Thus, if an addition is added or removed, is the subsequent impact a substantial change to the building and, if so, how is it measured? Is the percentage of change to the building's massing the dividing line between 'contributing' and 'noncontributing'? What percentage (25%, 40%, 50%, or 60%) of change should be used? Or should substantial change to individual elements like windows, doors, façade, porch, etc. be the deciding factors? Are altered windows weighted more than doors? Again, what measure(s) should be used? What other criteria might be used? Finally, what documentation must the applicant provide the HDC to support the request for reclassification?

The process for reclassifying a building from 'contributing' to 'noncontributing' will open up a whole new frontier in historic preservation issues faced by the HDC. Before the HDC considers reclassification, a definition of and metrics for **substantial alteration** must be adopted. In the meantime, I would strongly suggest a moratorium on applications for reclassification be implemented until a definition and metrics are established and approved by the HDC.

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\* alteration - any exterior change that would affect the historic, archeological, or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public way, including, but not limited to, construction, reconstruction, moving, or demolition. (definition found in Chapter 93-3)

\*\* these definitions come from the above mentioned *National Register Bulletin*

**Location** is the place where the historic property was constructed or the place the historic event occurred.

**Design** is the combination of elements that create the form, plan, space, structure, and style of the property.

**Setting** is the physical environment of a historic property.

**Materials** are the physical elements that were combined or deposited in a particular period of time and in a particular pattern or configuration to form a historic property.

**Workmanship** is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

**Feeling** is a property's expression of the aesthetic or historic sense of a particular period of time.

**Association** is the direct link between an important historic event or person and a historic property.