

SAVETHEARMORY.ORG
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October 31, 2023

Dear Historic District Commission:

We write to express our concerns as you continue to consider Washington College's application to demolish the historic Chestertown Armory. We wish to read this letter into the record at the November 1 hearing and have it made part of the official record of the Commission's consideration of Washington College's application.

1) Washington College's application is contested by a group of concerned citizens, including the undersigned. As a contested application, your hearings must follow the more rigorous format for contested case hearings. Such hearings include a court reporter to record all statements, the swearing of all witnesses under penalties of perjury, adequate time for all sides of the case to be heard (i.e., not restricting opponents to three minutes with unlimited time to Washington College), and opportunity for cross-examination of all witnesses. Without these safeguards, you cannot create a record which will withstand an appeal to the Circuit Court.

2) The public must be kept timely and fully informed of your interactions with or about Washington College's application. Earlier you promised that all information from Washington College and comments on its application would be posted on the website. We believe that all comments may not have been posted in a timely manner. An example is Tom Kocubinski's full statement which took over two weeks to post. (You will recall that Kocubinski was restricted to a three-minute presentation so he was unable to read his entire statement at the October 4 meeting.) Without timely posting, there is no way for the public to be fully informed of the basis for your consideration and to form their own opinions. Again, without doing so, you cannot create a record which will withstand an appeal.

Similarly, if you communicate with Washington College about the additional information you need – including that orally requested at the October 4 hearing, that communication must be made public, along with the full response from Washington College. (By the way, Washington College has offered no evidence whatsoever as to the financial viability of its proposed "boutique hotel." Without that information, we are in jeopardy of tearing down the only National Register property in Chestertown from the Armory era and ending up with an empty lot.)

3) You and Washington College must adhere to the timing requirements of the Historic District Guidelines. Important for this second hearing is the requirement found on page

64 of the Guidelines under the heading “VI.2.3 Hearing II, which states: “A complete application for the demolition of a contributing structure must be received at least 25 days before the next scheduled hearing in order to be placed on the agenda for that meeting.” (Emphasis added.)

By way of example, the December 6 meeting is to be Washington College’s second hearing and the first after which the Armory was found to be “a contributing structure.” Therefore, the plain language of the section requires any information to be submitted 25 days before the next (i.e., second) hearing. If the second hearing is December 6, then Washington College must file its additional documents 25 days before December 6, that is, no later than November 10 (which actually provides Washington College an extra day since Thanksgiving Day is a holiday and Town Hall is closed).

Although Washington College filed its most recent application 25 days before the October 4 meeting, it improperly supplemented its application several days later, a fact not made public at the time and apparently accepted without protest by Town staff. If Washington College is permitted once again to untimely file its documents before a regularly scheduled commission meeting, public confidence in the HDC and the Town will be further eroded and any HDC action on Washington College’s application put into legal jeopardy.

4) A complaint is being filed with the Ethics Commission seeking recusal of David Holman, who has been found to have an ongoing employment relationship with Washington College. The Town Clerk will have accepted this complaint before the time of your November 1 meeting. This complaint must be adjudicated by the Ethics Commission before Washington College’s application can be considered again. Holman’s continued participation in the Washington College application jeopardizes any decision made by the HDC and raises the very real possibility of an appeal to the Circuit Court.

5) Washington College has failed to provide permission for an outside professional consultant on mold remediation to enter the Armory. Both of the studies Washington College included in its 2022 and 2023 applications state that a mold remediation study is needed. And, Commissioner Michael McDowell specifically requested an independent mold remediation study at your October 4 meeting. Our citizens group offered to fund such a study and make its results – regardless of results – public but still Washington College has stonewalled our request. Your Commission must insist on access to the Armory for such an independent study. Without such a study, any further consideration of Washington College’s application is both premature and incomplete.

6) The Town Ordinances at Chapter 93 set out an affirmative obligation to protect the historic structures within Chestertown's Historic District. The obligation is clear: "Neither the owner nor the person in charge of property which is within the Historic District...shall permit the structure to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce, in the judgment of the Town Building Official after consultation with the Historic Commission, a detrimental effect upon ...the structure in question." (Emphasis added.) Among the detrimental effects cited in the Ordinance are deterioration of exterior walls, roofs, crumbling plaster or mortar; ineffective waterproofing of exterior walls, roofs, and foundations; and broken windows or doors.

These effects are known as demolition by neglect, which is prohibited under Town Ordinances and the Historic District Guidelines. And you, the Historic District Commission, "is authorized to prevent such situations and has done so in the past," read your HDC Guidelines.

The Town Ordinances also set out a specific penalty for the owner who permits such deterioration: "...shall be guilty of a misdemeanor and shall be liable for fine of not more than \$500. Each day that the violation shall be permitted to exist shall constitute a separate offense." (Emphasis added.)

By its own admission in each of its demolition applications, Washington College has permitted the historic Armory to fall into a state of disrepair resulting in the deterioration of its exterior.

More than a year ago, local preservation architect Tom Kocubinski toured the Armory with the permission of Washington College. Kocubinski noted a hole in the Armory roof, broken and open windows, flaking exterior plaster, lack of floodproofing at riverside doors – all of which permitted water intrusion to the interior and the growth of mold of which Washington College now so bitterly complains and cites as justification to tear down the historic building.

How did the Town allow this to happen? Regardless of how it happened, it has happened. You, the HDC, now knows about it and have a duty to act. You have the authority to take immediate action to cite Washington College for its deliberate failure to maintain the Armory, direct Washington College to fix the problems and stabilize the Armory, give Washington College a deadline for these fixes, and fine Washington College \$500 per day until the problems are fixed. (In truth, Washington College should be fined retroactive to the date it filed its demolition application last year when it first admitted its neglect.)

What's at stake here is not just the physical stability of the Armory; the very credibility of the HDC is at stake here too. You should not ignore what Washington College has willfully allowed to happen to a historic structure.

We appreciate the time of the Commission in considering the points raised in this letter and look forward to your response. We repeat our support for a boutique hotel in Chestertown and for saving the historic Chestertown Armory.

Yours Truly,

Barbara Jorgenson, Esq.
Tom Kocubinski, RA, AIA
Steve Mitchell, PE

Cc: Christopher Drummond, Esq.
Larry DiRe, Town Manager