



PRINCE GEORGE'S COUNTY HISTORIC PRESERVATION COMMISSION

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APPROVED 12/19/2017

Summary of Actions

Prince George's County Historic Preservation Commission
Tuesday, November 21, 2017, 6:30 p.m.
4th Floor Board Room, County Administration Building

Commissioners Present: Chairman John Peter Thompson, Vice Chair
Edward M. Scott, Eddy Campbell, Lisa Pfueller
Davidson, Michael Callahan, Donna Schneider

Commissioners Absent: Yolanda Muckle, Susan Pruden, Nathania Branch-Miles,

HPC Counsel: Bradley Farrar, Esq.

Staff Present: Howard Berger, Robert Krause, Jennifer Stabler, Daniel
Tana, Tom Gross, Tyler Smith

Guest: Name/Organization	Agenda Item
<i>Attendees</i>	
Mr. and Mrs. Lawrence Woltz	D.1.
Larry Taub	E.1. and F.1.
Ginny Frisch	D.1.

A. Call to Order

Chairman Thompson called the meeting to order at 6:30 p.m. Vice Chair Scott read introductory remarks about the meeting and procedures into the record. Commissioner Callahan arrived at 6:33 p.m. Commissioners Yolanda Muckle and Nathania Branch-Miles were unable to attend the meeting and had excused absences.

B. Approval of Meeting Summary – September 19, 2017

MOTION: Commissioner Schneider moved to approve the September 19, 2017 meeting summary. The motion was seconded by Commissioner Davidson. The Motion was approved by acclamation and without objection (6-0).

C. UPDATE FROM PARKS DEPARTMENT

Dr. Krause presented a memo from the M-NCPPC Department of Parks Department about the status of Compton Bassett, Wilmer's Park, Glendale Hospital and Concord Manor. There were no questions. Chairman Thompson stated that he had been in communication with the DPR to solicit regular and appropriate updates on the status of DPR properties of concern to the HPC.

D. HISTORIC AREA WORK PERMITS

1. HAWP 2017-098 7400 Hopkins Avenue (Historic Site 66-042-134)

At 6:35 p.m. Dr. Krause presented the Historic Area Work Permit application. Dr. Krause provided a summary of the application process. The Craftsman-style bungalow constructed ca. 1918 at 7400 Hopkins Avenue is a contributing resource within the Old Town College Park Historic District. The completed work consisted of window replacements on all elevations of the house (with the exception of the attic dormer and two windows on the rear elevation. HPS Staff was alerted to unpermitted work at the property, and a Stop Work Order was placed on the building by the City of College Park on August 1, 2017. Although the *Old Town College Park Historic District Guidelines Handbook* encourages the preservation of original windows, in its review of the after-the-fact HAWP application, the Old Town College Park Historic District Local Advisory Committee (OTCPHDLAC) voted 3-1 to recommend that the HPC approve the HAWP as submitted.

Dr. Krause concluded that the work undertaken was not in keeping with the *Old Town College Park Historic District Guidelines Handbook*, or the Secretary of the Interior's *Standards for Rehabilitation*; did not enhance the historic character of the property; and could not be found to meet the HAWP approval criteria of Subtitle 29-111(b). He stated staff's recommendation that the HPC deny the application.

Questions for Staff

Commissioner Callahan asked to confirm that the windows had already been installed, and asked what that meant in terms of the Commission's denial of the HAWP application. In denying the application would the applicants be required to remove windows and install new ones?

Chairman Thompson asked Dr. Krause for clarification regarding the HPC's relationship to the LAC. Dr. Krause explained that the LAC is an advisory committee and votes on recommendations to the HPC. The HPC can override the LAC's recommendation with a two-thirds vote among the members present.

Chairman Thompson asked whether the window openings had been changed in size. Dr. Krause indicated that there appeared to be no changes to the size of the openings but that the window units themselves might be slightly smaller than the original. Vice Chair Scott asked whether they were inserted into the existing sash openings; Dr. Krause indicated that was the case. Vice Chair Scott asked if the stops were removed, to which Dr. Krause replied that he did not think so, but Chairman Thompson clarified that staff could not confirm this.

Vice Chair Scott asked what the applicants' options are if the Commission denies the HAWP application. Dr. Krause responded that the applicants could appeal the decision. Chairman Thompson asked if the Commission denies the permit and the applicants do not appeal, then what happens as a result of the applicants not getting a permit from the County, City, or HPC. Mr. Berger stated that the applicants could file an appeal and the courts would decide. If there is no appeal it would be incumbent on the Historic Preservation Commission to determine what the next step would be including an action to remedy the situation.

Chairman Thompson clarified that the applicants could appeal or not appeal, and the Historic Preservation Commission would come back to the issue and discuss a remedy once the Decision was issued.

Commissioner Davidson asked if an appropriate replacement window would solve this problem. Dr. Krause replied that it would. Commissioner Callahan asked why the LAC approved it. Mr. Gross explained that the LAC members discussed the merits of the work at length and felt that the applicants had made a good faith effort and had claimed that they were unaware of the status of the property and the vote reflected a difference in opinion. The LAC voted 3-1 in the applicant's favor because the applicants successfully argued that they suffered from a lack of information and had made a good faith attempt at property maintenance.

Commissioner Callahan reviewed the County permitting process, asking whether window replacement needs a county permit; staff replied that window replacements in a County-designated historic district did require a permit.

Applicant's Statement

Ginny Frisch, daughter of the applicants, Larry and Peggy Woltz, corrected staff's initial statement and indicated that not all the windows were replaced. On the rear elevation only one window was replaced. She also stated that if her mother was told not to proceed they would have never done the work. She explained that there was a miscommunication about the replacement of the glass part of the window compared to the window frame. There was no way the applicants would intentionally put themselves in this situation. Mrs. Frisch explained that no one had disclosed its historic site status, and stated the houses around them are college dorms with vinyl windows. The old windows were not functional and were, in the opinion of the applicants, irreparable. A neighbor suggested that the property was a historic site which alerted the property owners to its designation. She faulted staff for not providing more information sooner. The applicants tried to match glazing pattern and dimensions. The applicant wanted to work out a solution but was unsure how to proceed.

Commissioner Davidson asked for clarification about the timeline, summarizing the applicant's representation that she did not know about the local historic district. It was apparent that the applicants did not know about the property's Historic Site status, but still reached out to staff about a work permit and continued with work. Mrs. Frisch explained that she was referred to Dr. Krause and reviewed the website and printed literature, none of which said that the windows could not be replaced. Commissioner Davidson asked if they had only done online research or if they had talked to staff. Mrs. Frisch explained that they had talked with Miriam Bader in College Park, who was unsure about the property's designation. The applicant understood that there were approximately 220 "historic homes" in the district and that many of the homes around them were not historic. Commissioner Davidson asked if they had talked with anyone in the Historic Preservation Section before beginning work. Mrs. Frisch said that Ms. Bader had referred them to Dr. Krause who told them they did not need a permit if they were not changing the size, opening, or wooden components of the windows in any way. Commissioner Davidson stated that there was a material difference in the true divided light windows being replaced by vinyl ones with simulated divided lights. Mrs. Frisch suggested that if Dr. Krause had told them to fill out an application or sent them additional information they would have stopped work. The applicant also stated that she had very little understanding of the process and never received a letter or notice about the HPC meeting.

Commissioner Callahan went over the timeline again, summarizing that the applicants had spoken to the City of College Park, then to Dr. Krause who gave them some direction, and then went to a contractor who still did not apply for permits. Mrs. Frisch clarified that they went to a window company who came out and agreed to mimic the windows that were there. Chairman Thompson suggested that the window

company assumed the applicants had gotten permits, because he would have expected the window company to pull permits. Mr. Gross clarified that the County does not require a permit for window replacement on properties that do not have historic designation, so if the contractor was unaware that the building is located in a County Historic District, they would not have obtained the required permits.

Commissioner Callahan asked Dr. Krause if he would consider the work reversible, to which Dr. Krause replied that he did. Commissioner Campbell asked Dr. Krause if, when the applicants originally contacted him, did he instruct them to get an HAWP, to which he replied that he and the applicant initially exchanged emails and that he had sent a HAWP application to Mrs. Woltz in May; specifically, within a week of their initial contact. Commissioner Scott asked how soon after the windows went in, to which Dr. Krause stated that he did not know. Chairman Thompson guessed that staff was notified by a City stop work order. Commissioner Callahan asked the applicant how much the project cost. Ginny Frisch stated that it was \$7,800.

Lawrence Woltz stated that for the windows to be made of wood it would have cost \$21,000. He moved into the home in 1948. The upstairs windows had been inoperable for many years. A neighbor said that the windows could probably be scraped and oiled and made to work again. This neighbor had been working on his own home for 35 years. Mr. Woltz wants to maintain the property with the time and money he has (he is 76). The windows were the easiest place to start. "Everything needs to be fixed, it's original" he stated, the wiring and the plumbing included. He felt that the new windows looked exactly like the old windows except for being clean. When the Stop Work Order was issued they stopped work. The window frames still need to be wrapped in aluminum. All the other houses have been wrapped in aluminum and vinyl siding. This house only has blistered paint, stated Mr. Woltz. Chairman Thompson asked Dr. Krause for verification of the conditions of the surrounding houses. Commissioner Davidson presumed that those conditions were present when the County Historic District was created. Mr. Berger confirmed this, stating that the Historic District contains upward of 240 structures, and that similar structures were most likely modified prior to the district's designation in 2008. Since then the Commission has carefully reviewed and administered the rules and design guidelines developed for the Historic District. Margarite Woltz stated that she made a mistake and had not understood what was meant by windows and glass, but that she didn't know that it was a historic site. Chairman Thompson pointed out that historic sites, historic resources, and properties within historic districts receive an annual mailing. The Woltzs stated that they only purchased the property in April. Because the sale was within the family there was no opportunity for the realtors to disclose the designation.

Chairman Thompson closed the record and asked for a motion.

MOTION: Commissioner Davidson made a motion that the HPC deny HAWP 2017-038 according to staff's recommendations. Commissioner Schneider seconded the motion.

Commission Discussion

Commissioner Callahan came back to the idea that the work is reversible, and asked if there was a way to approve the application with a long timeline to reverse the work in the future. Chairman Thompson asked if that could happen once the Commission denies the permit, and the applicants did not appeal and came back to the HPC to resolve the issue which could be a long-term solution like Commissioner Callahan suggested. Commissioner Callahan said he would like to make sure that the issue comes back to the commission rather than go to court. Chairman Thompson asked what in the work done would be approvable under our guidelines. Commissioner Scott added that he does not think the Commission could approve the permit.

Counsel Farrar pointed out that staff provided the Commission with a copy of Section 29-111.

Counsel Farrar explained that the Commission cannot determine precedent, but are finders of fact. That analysis must be done on each case without regard to what the Commission has done in the past.

Vice Chair Scott stated that the Commission must deny based on the facts, and maybe it is not the HPC's obligation to find their way to a better place. Chairman Thompson added that it is not the Commission's obligation until the applicants decide not to appeal the decision. Vice Chair Scott asked at what point the issue could be considered by the HPC. It was clarified that the applicants have 30 days in which to file an appeal. Vice Chair Scott asked if the issue would come right back to the Commission. Counsel added that the applicants can ask the Commission to reconsider, or ask the Commission to make some adjustment to the remedies available under law. Commissioner Callahan asked if the Commission must wait for the applicants not to appeal for further discussion. Chairman Thompson stated that the motion must be dealt with before that discussion could occur. Commissioner Callahan wanted the applicants to understand their options before deciding whether to appeal or not. Chairman Thompson added that because it is a public meeting the conversation could not be had at this meeting. Commissioner Callahan suggested that staff be directed to present them alternatives over the next 30 days so that the applicants could make a decision. Commissioner Campbell added that trying to work out some arrangement in the case of the applicant's appeal could complicate the process unnecessarily as opposed to letting the process work itself out. Counsel Farrar added that if there is a denial of this specific HAWP the applicant is not precluded from submitting another HAWP application with other materials or workmanship. The Commission's actions are limited to this application and the facts that are presented. The applicant has several options they can pursue.

Chairman Thompson asked for a roll call vote on the motion to deny. The motion carried (6-0).

Chairman Thompson summarized for the applicants that they could 1) appeal the decision, or 2) submit a new work permit working towards a goal on which everyone can agree. The Commission directed staff to work with the applicants to come up with a solution.

The applicant stated that the Commission's decision was holding up their Stop Work Order. Chairman Thompson suggested that the applicants work with staff to create a work permit that everyone can approve. Mr. Berger suggested that the ordinance does allow the Commission to levy fines, but that was not discussed by the HPC at this time. Mr. Berger also added that the Commission's interest is limited to the exterior of the house, and that perhaps interior improvements could still be made. Mr. Berger suggested that staff could work with the applicants to separate permitting issues so that other work (i.e. interior and electrical) can be carried forward. Chairman Thompson asked that the applicants get in touch with Dr. Krause to arrange for a conversation between the three parties.

E. REFERRALS

1. 4-16033, Grace United Methodist Church

Dr. Krause presented the staff report. The subject application for a preliminary plan of subdivision proposes the creation of a single parcel for the development of a church and associated parking. Staff found that the application proposed the development of an approximately 35,000 square-foot, two-story church, containing a main auditorium, classrooms, and offices. The Digges Chapel Site and Cemetery (Documented Property 80-053 identified in the *2010 Approved Historic Sites and Districts Plan* as the Humphreys-Edelen Family Cemetery) is located within the developing property and is currently within Parcel 249. In 1802, William Digges' son, Thomas Atwood Digges conveyed the chapel built by his father plus an additional two acres of land to John Carroll, Bishop of Baltimore for the use of the Roman Catholic congregation of Piscataway. A non-historic church building for the African American Grace United Methodist Church (located north and east of the Digges Chapel and Cemetery site) was constructed in 1990 for a congregation founded almost 150 years ago. The five visible grave markers are made of sandstone. The Grace United

Methodist Church and Cemetery and the Digges Chapel Site and Cemetery are located within the historic community of Chapel Hill (Documented Community 80-018). Before the Civil War, the area had been part of several antebellum plantations, which were situated on tracts of land known as “Boarman’s Content” and “Frankland,” belonging to the Hatton, Edelen, Thorne, and Gallahan families. A Phase I archeology survey was conducted on the developing property in May 2015. There are two boundary stones, BF 9 and BF 10 located within the property. At the request of staff, the applicant provided an exhibit that addresses the areas to be graded and filled in the vicinity of the Digges Chapel Site and Cemetery to ensure that adequate buffer is provided for the cemetery and chapel site.

Dr. Krause stated staff’s conclusion that the Historic Preservation Commission will, through a separate action, evaluate the Grace United Methodist Church and Cemetery property for potential designation of only the historic and still active cemetery as a historic site. The two boundary stones within the developing property, identified as “BF 9” and “BF 10”, should be clearly marked on all subsequent plans, should remain in place, and should be protected from any disturbance during the development process. An archeologist should be on-site to monitor any grading that occurs near the 20’ buffer around the Digges Chapel Site and Cemetery as defined on the preliminary plan. Dr. Krause stated staff’s recommendation that the Historic Preservation Commission recommend approval of the Preliminary Plan 4-16033, Grace United Methodist Church, to the Planning Board.

Larry Taub, attorney with the law firm of O’Malley, Miles, Nysten & Gilmore, representing Grace United Methodist Church, thanked staff and concurred with the recommendations, making an observation about the fact that staff did not want a vegetative buffer between the cemetery and developing property. Chairman Thompson confirmed that Mr. Taub’s comment about the buffer did not negate his concurrence with staff’s recommendations.

MOTION: Commissioner Schneider made a motion to recommend approval of the Preliminary Plan 4-16033 according to staff’s recommendations. Vice Chair Scott seconded the motion. The motion passed by acclamation (5-0-1, the chair voted present)

F. HISTORIC SITE EVALUATION

1. Grace United Methodist Church (Historic Resource 80-18-01)

Dr. Stabler presented the staff report. The subject historic resource evaluation is required by the provisions of Subtitle 29 as a result of the proposed development of the adjacent property, also owned by Grace United Methodist Church, through Preliminary Plan of Subdivision 4-16033. The Grace United Methodist Church Cemetery, 11700 Old Fort Road, Fort Washington is located to the south of a modern church building (c.1990) and to the east of the church parking lot in an open area with cedar trees.

Chapel Hill is a small rural community that was established near the intersection of old roads connecting Fort Washington, Fort Foote, and the village of Piscataway. With the assistance of the Freedmen’s Bureau, a school was constructed in the Chapel Hill community in 1868 on the parcel to the south of the current church and cemetery. The 1900 Census records a cluster of African-American families living in the area including, Bowling, Brooks, Butler, Calvert, Chase Coleman, Henson, Marshall, Shorter, Smith, and Thomas families. As many of the older houses built by the founding members of the Chapel Hill community are being demolished and replaced by newer houses, and as new subdivisions are being built along Old Fort Road, the Grace United Methodist Church property and its cemetery is one of the remaining vestiges of the historic community that developed at the cross-roads at Chapel Hill after the Civil War.

The first communal buildings that African-Americans in these young communities erected were typically churches and schools. The Grace United Methodist Church, along with the Freedman’s Bureau and Rosenwald School, were the focal point of the community. Because African-Americans were systematically

denied political participation in civic culture and were banished from public venues, the institutions of church and school functioned as the vehicle for debating and instilling community values. Cemeteries survive as vivid reminders of the nineteenth century settlements they once served and the vanished churches with which they were associated. The Grace United Methodist Church Cemetery retains its integrity of association, feeling and setting. Staff recommended that Grace United Methodist Church Cemetery be designated as a Prince George's County Historic Site.

Mr. Taub thanked staff and commented that the applicant appreciated the fact that staff limited the Environmental Setting to the cemetery itself (based on metes and bounds provided by the applicant) and recognized that the cemetery continues to be an active cemetery and will not be required to apply for HAWP's for future burials. Mr. Taub did express concern about the landscape manual's provision for a buffer between Historic Sites and development projects which would completely alter the development plans. The applicant may be required to file for Alternative Compliance, and appreciated staff's comments on the matter.

Commissioner Davidson expressed her appreciation for the clarity of staff recommendations and recognized the interesting history of the property as summarized by staff.

MOTION: Commissioner Schneider made a motion to designate Grace United Methodist Church a Prince George's County Historic Site according to staff's recommendation. The Motion was seconded by Commissioner Campbell. The Motion passed by acclamation (5-0-1, the chair voted present).

G. PROPOSED TECHNICAL REVISION

1. HPC Policy #1-87, "Evaluating Integrity, Degree of Alteration, and Scarcity and Frequency"

Mr. Gross presented staff's technical revisions to HPC Policy #1-87. Substantive changes in the policy were highlighted. Mr. Gross noted that some minor changes to wording were made. The changes clarified policy about detrimental and critical changes. Revisions also addressed the term scarcity and frequency as applying to the Inventory of Historic Properties rather than to the County as a whole.

Commissioner Schneider asked about adding Prince George's County into the language of the policy. Counsel Farrar said that it could certainly be included but would not make a substantive difference. Mr. Gross concurred, adding that staff would not attempt to designate any sites outside of the County.

Commissioner Callahan asked how other commissions across the country handle the distinction between critical and detrimental changes. Mr. Gross replied that this revision was specific to our own process, and could not speak to other jurisdictions. Commissioner Callahan asked if staff does a comparative review of other jurisdictions when making policy revisions. Mr. Berger suggested that staff could do that, but that the revisions are firmly grounded in the Secretary of the Interior's Standards. Commissioner Callahan was curious how Prince George's County compares to other jurisdictions. Chairman Thompson suggested Commissioner Callahan discuss this topic at the upcoming meeting with the Calvert County Historic Preservation Commission.

MOTION: Commissioner Schneider made a motion to accept staff's proposed technical revisions to HPC Policy #1-87. The motion was seconded by Commissioner Davidson. The motion passed by acclamation (6-0).

H. COMMISSION STAFF ITEMS

1. HAWP Staff Sign-Offs

There were no questions.

2. Referrals Report

There were no questions.

3. Correspondence Report

There was no correspondence report.

4. New Business/Staff Updates

Commissioner Schneider invited staff and Commissioners to the Historical Society's holiday party on December 10th at Belair Mansion. She also asked about the Horsehead Tavern Historic Site. Mr. Gross explained that Mr. Crimmins was unable to attend the meeting that evening, and staff expected the Commission would have questions that only Mr. Crimmins could answer.

Commissioner Davidson asked a question about the procedure for updating the Inventory. Specifically, about incorporating some of the material created by PG Modern. Mr. Berger answered that documentation is done in anticipation of a master plan amendment. The master plan amendment's schedule is unpredictable. Community Planning is doing targeted master plans, in which Historic Preservation staff can participate. Property owners can also request designation without waiting for an amendment. Commissioner Davidson asked when the next Historic Preservation master plan amendment might be made. Mr. Berger stated that he does not know and that it is a complex process, but it is conceivable that it could be talked about in 2020.

Chairman Thompson and Dr. Krause reminded the Commissioners of the meeting with the Calvert County HPC at 6:30PM on December 7th at Linden, the Calvert County Historical Society Headquarters, at 70 Church Street in Prince Frederick.

MOTION: Commissioner Schneider made a motion to adjourn the meeting and multiple Commissioners seconded the motion. The motion carried by acclamation. The meeting adjourned at 8:30 p.m. The next HPC meeting will be held on December 19, 2017.

Respectfully submitted,

Tyler Anthony Smith
Principal Planning Technician
Historic Preservation Section