

Historic Preservation Commission



Members:

Ms. Suzanne Wright – Chairperson
Dr. Stephen Gibson – Secretary
Mr. Tim Hoffman
Mr. Michael Llewellyn
Mr. Chris Myers
Dr. Michael Garrett
Vacant Seat
Councilwoman Laurie Marchini
Staff Liaison: Kathy McKenney, Community Development Programs Manager

AGENDA

Historic Preservation Commission
Cumberland City Hall, Council Chambers

DATE: February 12, 2020

APPROVAL OF MINUTES

1. Minutes from the December 11, 2019 Historic Preservation Commission meeting.
2. Minutes from the January 8, 2020 Historic Preservation Commission meeting.

PUBLIC COMMENT

CERTIFICATES OF APPROPRIATENESS – CONSENT AGENDA

3. 100 Baltimore Street – Awesome Gifts and Collectibles – Request for "After the Fact" approval of signs - James Weir, applicant

CERTIFICATES OF APPROPRIATENESS

4. 12 Greene Street – Charis Realty Group - Request for "After the Fact" Approval of a New Signs – Christine Issler, applicant
5. 309 Washington Street - Request to Change/Amend COA862 & COA863 to reflect "as built" fence– Sean Cooney
6. 36 Greene Street - Allegany Counseling and Consulting Services - Request for "After the Fact" Approval of New Signs – Doug Macy, applicant

OTHER BUSINESS

7. Routine Updates
8. Avirett Place Columns Local Designation Survey Review/Recommendation

9. A draft of a Historic Structure Nomination form has been provided for consideration of approval. This form would be available to the public to provide suggestions for structures that should be considered for local historic designation.
10. Review of correspondence and communications regarding the December 6, 2019 letter to owners of individually listed properties on the National Register of Historic Places that are not also locally designated.
11. Examples have been provided of a procedure to consider existing or potentially significant historic structures when demolition permits are requested.
12. This action will provide the election of the 2020 Chairperson, Vice-Chairperson, and Secretary.
13. Report of all Certificates of Appropriateness that have been approved by the Community Development Programs Manager since the previous month's meeting:
 - 128 Bedford Street - In-Kind Awning Replacement
 - 24 South Centre Street – Verizon – In-Kind Louvre/Door Replacement
14. The Maryland Association of Historic District Commissions will conduct a workshop on Ethics and Defensible Decision Making on March 11, 2020 following the conclusion of the regular meeting.

ADJOURNMENT

If you are unable to attend this meeting, please contact the Department of Community Development at (301) 759-6431 or (301) 759-6442.

Applicants or their appointed representatives must be present at the meeting for a review to take place. Please remember to turn off or silence all electronic devices prior to entering the meeting.

Item Attachment Documents:

1. Minutes from the December 11, 2019 Historic Preservation Commission meeting.

MINUTES

HISTORIC PRESERVATION COMMISSION

December 11, 2019

The Cumberland Historic Preservation Commission held its regular meeting on Wednesday, December 11, 2019, at 4:00 p.m., within the Lower Level Conference room of City Hall. Members present were Chairperson, Ms. Suzanne Wright, Dr. Michael T. Garrett, Mr. Chris Myers, Dr. Stephen Gibson and Councilwoman Laurie Marchini.

Others in attendance were Robin Fazenbaker, Cumberland YMCA, Kathy McKenney, Community Development Programs Manager, Debbie Helmstetter, Code Technician.

Chairperson, Suzanne Wright, called the meeting to order. She read the following statement into the record: "The Cumberland Historic Preservation Commission exists pursuant to Section 11 of the City of Cumberland Municipal Zoning Ordinance. Members are appointed by the Mayor and City Council and shall possess a demonstrated special knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines. The Commission strives to enhance quality of life by safeguarding the historical and cultural heritage of Cumberland. Preservation is shown to strengthen the local economy, stabilize and improve property values, and foster civic beauty. The Cumberland Historic Preservation Commission operates pursuant to State of Maryland 1977 Open Meetings Act and therefore no pending applications shall be discussed between or amongst Commissioners outside the public hearing to determine the disposition of the application."

Chairperson Suzanne Wright introduced the Commission members present and staff.

APPROVAL OF MINUTES

The minutes for November 20, 2019 will be tabled until the January 2020 meeting.

PUBLIC COMMENT

No comments.

CONSENT AGENDA

No consent agenda.

CERTIFICATES OF APPROPRIATENESS

No additional Certificates of Appropriateness.

OTHER BUSINESS

1. Ms. McKenney announced a letter was sent out to contact all owners of the properties that are individually listed on the National Register of Historic Places. The Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a Local Historic Designation in order to provide additional protection of these significant resources.

Ms. Robin Fazenbaker, director of the Cumberland YMCA, attended the meeting and gave her feedback and to find out additional information about a potential consideration of designation.

2. Ms. McKenney stated that most properties designated nationally were done in the 1970's. Ms. McKenney gave a description of each picture of the properties they would like to be considered for Local Historic Designation. Ms. McKenney showed the Commission two different request forms, one from Baltimore County and the Boston Landmarks Petition Format. Ms. McKenney asked the Commission to review both prior to the January 8, 2020 meeting for any concerns; overall the Commission likes the Boston County form the best.

STAFF UPDATES

1. No applications were received for the Accessibility Improvements Application she mentioned a few months ago, they are putting the applications back out until January 15, 2020 as the new due date.

Funding is for interior and exterior renovations that bring people up to ADA compliance in the Central Business District.

2. There have been questions concerning Carver School and Allegany High School through the media and Ms. McKenney just wanted to bring it to the peoples' attention.
3. The Main Street Conference will be held in Dallas, TX from May 18-20, 2020.
4. The Fall National Trust conference will be held in Miami.

1. ADMINISTRATIVE APPROVALS

1. 52 Baltimore Street - Rooftop HVAC in-kind replacement.
2. 71 Baltimore Street - Rooftop HVAC in-kind replacement.

CHAIRPERSON UPDATES

1. Chairperson Suzanne Wright thanked the staff for all that is done to make their job easier.

An audio of the meeting will be available upon request.

ADJOURMENT

Dr. Michael Garrett made the motion to adjourn and Dr. Stephen Gibson seconded the motion. All members were in favor; motion approved.

Respectfully,

Dr. Stephen Gibson, Secretary

February 12, 2020

Item Attachment Documents:

2. Minutes from the January 8, 2020 Historic Preservation Commission meeting.

MINUTES

HISTORIC PRESERVATION COMMISSION

January 8, 2020

The Cumberland Historic Preservation Commission held its regular meeting on Wednesday, January 8, 2020, at 4:00 p.m., within the Council Chambers of City Hall. Members present were Acting Chairperson, Mr. Tim Hoffman, Dr. Michael T. Garrett, Mr. Chris Myers, Councilwoman Laurie Marchini and Mr. Larry Jackson.

Others in attendance were Kathy McKenney, Community Development Programs Manager, Debbie Helmstetter, Code Technician and Ms. Jayne Parks.

Acting Chairperson, Tim Hoffman, called the meeting to order. He read the following statement into the record: "The Cumberland Historic Preservation Commission exists pursuant to Section 11 of the City of Cumberland Municipal Zoning Ordinance. Members are appointed by the Mayor and City Council and shall possess a demonstrated special knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines. The Commission strives to enhance quality of life by safeguarding the historical and cultural heritage of Cumberland. Preservation is shown to strengthen the local economy, stabilize and improve property values, and foster civic beauty. The Cumberland Historic Preservation Commission operates pursuant to State of Maryland 1977 Open Meetings Act and therefore no pending applications shall be discussed between or amongst Commissioners outside the public hearing to determine the disposition of the application."

Acting Chairperson Tim Hoffman introduced the Commission members present and staff.

Ms. McKenney introduced Mr. Larry Jackson as the newest member for the Historic Preservation Commission.

APPROVAL OF MINUTES

1. *Minutes for November 20, 2019 were approved as written. Dr. Michael Garrett made the motion to approve the minutes and Mr. Chris Myers seconded the motion. All members were in favor; motion approved.* The minutes for December 11, 2019 will be deferred until the February 12, 2020.

CHAIRPERSON UPDATES

There were no updates.

CONSENT AGENDA

No consent agenda.

CERTIFICATES OF APPROPRIATENESS

No Certificates of Appropriateness.

STAFF UPDATES

1. In doing some field investigations of the Rose Hill Columns in the request that was noted there are four (4) columns on site. Two of them, which are on the adjacent property owners on the other side of the street, two which are in the right a way and two that are on individual properties. Ms. McKinney did send a letter to the owner of the other parcel and did ask if she could send a letter to indicate if she supported of a designation to take place. Ms. McKenney did receive a letter back from the owner concurring that she does support that designation for the columns that are not on her property as well as those that are.
2. There are a few days left for those who are interested in the Accessibility Improvement Program Grant application that are due on January 15, 2020; so far there has not been a submission, so she asked the Commission to get the word out to anyone they may know.

3. Maryland Heritage Area Authority Grants are now available. The intent to apply form is due by the end of the month and this would be for applications by either the local jurisdiction or by a non-profit within the Certified Heritage Area formerly known as the Canal Place Area now known as the Passages of Western Potomac Heritage Area. These are matching grants. All applications are submitted first to Canal Place, who files and ranks them then sends them to the State for consideration.
4. The Rose Hill Columns Research Update - Ms McKenney said she has made a progress on the research in the last month, and has received a package of information from the State Highway Administration from the late 60's when the Interstate was built and the Rose Hill Mansion was impacted. Additional research on building permits from that era has taken place as well as Engineering Department had some great resources to help document when those columns first actually started showing up in City records. Ms. McKenney hopes by the next meeting she has it all in a narrative form.
5. Last month's follow up for the Preservation Month Planning continuing to work Meeting is trying to get a procedure/process of getting the public's input for properties that should be considered for Local Designation. The form was modeled from the one used by Montgomery County. Once approved, the form can be published on the City's Web Site for some input from the public during Preservation Month in May.
6. Introduction of all Commission members and staff for new Commission member Larry Jackson.

ELECTION OF OFFICERS

Since the Chairperson and Vice Chairperson were not present the election of officers were deferred until the February 12, 2020 meeting.

ADMINISTRATIVE APPROVALS

No administration approvals for this past month.

PUBLIC COMMENT

Ms. Jayne Parks, owner of Dr. Koon House on Baltimore Avenue, was in attendance because of receiving the letter regarding local designation consideration just wanted to let the Commission know that beside her is a vacant house, in which there is a mattress on the porch and people are sleeping on it.

Audio of the meeting will be available upon request.

ADJOURMENT

Councilwomen Laurie Marchini made the motion to adjourn and Mr. Chris Myers seconded the motion. All members were in favor; motion approved.

Respectfully,

Dr. Stephen Gibson, Secretary

February 12, 2020

Item Attachment Documents:

3. 100 Baltimore Street – Awesome Gifts and Collectibles – Request for "After the Fact" approval of signs - James Weir, applicant

CERTIFICATE OF APPROPRIATENESS

See attached for information which may be requested by the Historic Preservation Commission, as deemed necessary.

LOCATION: 100 BALTIMORE ST

OWNER: WEIR JAMES T

TENANT: WEIR JAMES T

Applicant

JAMES T. WEIR - AWESOME GIFTS & COL
100 BLATIMORE ST ,
CUMBERLAND MD 21502

File Date: 1/07/2020

Wrk Description Commercial signage

1 Filing Fee 30.00

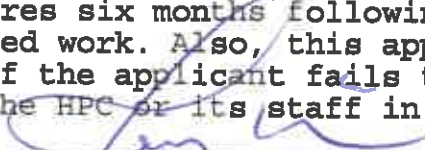
TOTAL AMOUNT: 30.00

(After the fact) Propose five (5) locations for signage. Two signs on glass above front doors measure 24SF each are gold vinyl letters. Two signs on glass of front doors measure 6SF each are gold vinyl letters. One sign at side of building is flush mounted to wall within window and measures 32SF. This sign is made of plywood and is painted green and white with gold trim. Custom Concepts LLC created the vinyl signage and Fischer Signs, the wooden sign. Drawings with details are attached.

Subject: However to revocation by the HPC in the case the afore named construction is not in compliance with the requirements of the City Ordinance relating to Historic Preservation, especially Ordinance No. 3208.

H.P.C. Chairman

H.P.C. Secretary

Statement: I hereby agree to comply with all regulations which are applicable hereto, and further agree that the proposed work shall be faithfully carried out as described on this request and as shown on the plans accompanying same, and not otherwise. This application hereby expires six months following the file date if no action is taken to start specified work. Also, this application will expire six months following the file date if the applicant fails to provide additional information as requested by the HPC or its staff in order for the Commission to render a decision. Signed 

Search Result for ALLEGANY COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 14 Account Number - 004173

Owner Information

| | | | |
|-------------------------|--|-----------------------------|------------------|
| Owner Name: | WEIR JAMES T WEIR REBECCA S | Use: | COMMERCIAL NO |
| Mailing Address: | 4128 GREENVILLE RD MEYERSDALE PA 15552- | Principal Residence: | |
| | | Deed Reference: | /02372/ 00176 |

Location & Structure Information

| | | | |
|--------------------------|---|---------------------------|--|
| Premises Address: | 100 BALTIMORE ST CUMBERLAND 21502-0000 | Legal Description: | 100 S BALTIMORE & N CENTRE STS 48X 92 66X102 |
|--------------------------|---|---------------------------|--|

| | | | | | | | | | |
|-------------|--------------|----------------|----------------------|---------------------|-----------------|---------------|-------------|-------------------------|------------------|
| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: |
| 0104 | 0000 | 7235B | 10003.01 | 0000 | | | | 2018 | |
| | | | | | | | | | Plat Ref: |

| | |
|--------------------------------|-------------------------|
| Special Tax Areas: None | Town: CUMBERLAND |
| | Ad Valorem: None |
| | Tax Class: None |

| | | | | |
|--------------------------------|--------------------------------|-------------------------------|---------------------------|-------------------|
| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
| 1960 | 11,200 SF | | 5,645 SF | |

| | | | | | | | |
|----------------|-----------------|--------------|-----------------|----------------|-----------------------|---------------|--|
| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
| | | RETAIL STORE | / | C3 | | | |

Value Information

| | Base Value | Value | Phase-In Assessments | |
|---------------------------|-------------------|--------------|-----------------------------|--------------|
| | | As of | As of | As of |
| | | 01/01/2018 | 07/01/2019 | 07/01/2020 |
| Land: | 39,500 | 39,500 | | |
| Improvements | 181,000 | 76,400 | | |
| Total: | 220,500 | 115,900 | 115,900 | 115,900 |
| Preferential Land: | 0 | | | 0 |

Transfer Information

| | | |
|---------------------------------------|-----------------------------|-------------------------|
| Seller: WENTWORTH ROBERT B | Date: 04/11/2018 | Price: \$120,000 |
| Type: NON-ARMS LENGTH OTHER | Deed1: /02372/ 00176 | Deed2: |
| Seller: SOMERSET COLONIAL CORP | Date: 09/04/2007 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: /01423/ 00018 | Deed2: |
| Seller: | Date: | Price: |
| Type: | Deed1: | Deed2: |

Exemption Information

| | | | |
|------------------------------------|--------------|-------------------|-------------------|
| Partial Exempt Assessments: | Class | 07/01/2019 | 07/01/2020 |
| County: | 000 | 0.00 | |
| State: | 000 | 0.00 | |
| Municipal: | 000 | 0.00 0.00 | 0.00 0.00 |

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Google Maps 100 Baltimore St



Map data ©2020 200 ft



100 Baltimore St

Cumberland, MD 21502





Awesome
GIFTS & 56" x 27"
COLLECTIBLES

100 24" x 7"
Baltimore St.

HOURS
MON-SAT 21" x 16"
9-6
301-777-7277
NO RESTROOMS



$$\begin{aligned}
 &2' \times 3' \\
 &= 6 \text{ SF} \\
 &\times 2 \\
 &= 12 \text{ SF}
 \end{aligned}$$



6'x4'
= 24 SF

X2
= 48 SF





8' x 4'

32 SF





BALTIMORE STREET

27'-6"

WINDOW ON BALTIMORE STREET

WINDOW (CASEMENT)
WHERE SIGN IS LOCATED.

SP. DOOR
WINDOW

Windows on Centre

CENTRE STREET

SIGN MEASURES

92" LONG

47" WIDE (HIGH)

FLUSH MOUNT

WOOD

GREEN/PATTE

DOOR

DOOR

ALLAN



City of Cumberland



Presentation of Information
By Kathy McKenney
Awesome Gifts and Collectibles
100 Baltimore Street
Contact: James Weir

An application for a Certificate of Appropriateness has been requested “after the fact” for the review of several new signs that have been installed at this structure for a change in the occupant and name of the business. Two identical signs have been installed in each of the transom storefront entrance windows. Each measure 56” x 27” and are constructed of vinyl lettering, gold in color, that have been attached to the glass. Similar signs have been placed in each of the storefront entrance doors. These detail the address (each measuring 24” x 7”) and hours of operation (each measuring 21” x 16”).

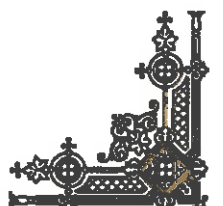
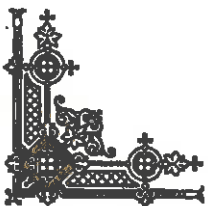
An additional sign has been placed on the inside of the storefront glass and is mounted to the newly constructed partition/display walls. This sign measures 8’x4’ and is constructed of plywood that has been painted green and white with gold trim (as shown on the attached photographs).

Additional exterior lighting has not been proposed.

**The sections of the Preservation Guidelines that pertain to this application are
Guideline 46: Sign Placement; Guideline 47: Sign Size (Chapter 5, Pages 102-103);
Guideline 49: New Sign Materials (Chapter 5 Page 104)**



CUMBERLAND HISTORIC PRESERVATION COMMISSION
57 N. Liberty Street
CUMBERLAND, MARYLAND 21502



Item Attachment Documents:

4. 12 Greene Street – Charis Realty Group - Request for "After the Fact" Approval of a New Signs – Christine Issler, applicant

CERTIFICATE OF APPROPRIATENESS

See attached for information which may be requested by the Historic Preservation Commission, as deemed necessary.

LOCATION: 12 E GREENE ST

OWNER: CRUSADER PROPERTIES LLC

TENANT: CRUSADER PROPERTIES LLC

Applicant:

CHARIS REALTY GROUP C. ISSLER

1896 URBA PIKE STE

CLARKSBURG

MD 20871

File Date:

1/14/2020

Wrk Description

1 Filing Fee

30.00

TOTAL AMOUNT:

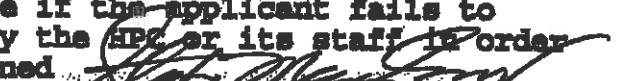
30.00

Charis Realty Group is seeking approval for signage to be placed at the branch office on 12 Greene St. This will be a vinyl sign affixed to the large window on the front of the building. The film is 32" by 70". Total window is 90" by 81". Color of vinyl sign is white with dark purple and green lettering. From inside, the view to the outside is not obstructed by the sign, you can see through it.

Subject: However to revocation by the HPC in the case the afore named construction is not in compliance with the requirements of the City Ordinance relating to Historic Preservation, especially Ordinance No. 3208.

H.P.C. Chairman

H.P.C. Secretary

Statement: I hereby agree to comply with all regulations which are applicable hereto, and further agree that the proposed work shall be faithfully carried out as described on this request and as shown on the plans accompanying same, and not otherwise. This application hereby expires six months following the file date if no action is taken to start specified work. Also, this application will expire six months following the file date if the applicant fails to provide additional information as requested by the HPC or its staff in order for the Commission to render a decision. Signed 



City of Cumberland

Administrative Review HP Commission Review

Department of Community Development • 57 N. Liberty Street • Cumberland, MD 21502 • www.cumberlandmd.gov
301-759-6431 • Fax 301-759-6432 • kathy.mckenney@cumberlandmd.gov

CERTIFICATE OF APPROPRIATENESS PERMIT APPLICATION

For ALL exterior changes to a structure (including painting), design and maintenance issues within the City's Preservation District. Including but not limited to additions, alterations, awnings, entrances and doors, painting, porches, fences, siding, signage, window replacement, demolition, and new construction.

Project Location 12 Greene Street Cumberland, MD 21507 Tax ID # 06-025394
~~24-2966859~~

The Tax ID # can be found on your deed or by visiting www.dat.state.md.us / Real Property / Real Property Search. When construction is being done and several property account numbers are involved, properties must be combined under one property number. It will be necessary to contact the State of Maryland Assessment Office, 112 Baltimore Street, Gateway Center, 301-777-2113, prior to applying for permit in order to obtain documentation required for the new Tax Account Number.

COA # 892

Application Date November 25, 2019

Applicant Name Christine M. Issler Phone 240-285-6497

Address 1896 Urbana Pike, Suite 6, Clarksburg, MD 20871

Fax _____ Email christy@charisrealty.com

Contractor Name Express Signs - providing sticker Phone _____

Address _____ Email _____

Contractor's License Number _____ Estimated Cost of the project \$ _____

Summarized Description of Project We are adding a window sticker to the front window. It is very tasteful and non-obtrusive. Sticker is represented in attached photograph.

Attach a full written scope of work

Attach photographs of the site and structure

- Include:**
- Facade Elevations
 - Sample of Proposed Materials
 - Scaled Drawings ?
 - Digital Renderings, when available ?
 - Color Scheme/Paint Chips ?
 - Manufacturer's Cut-Sheets or Product Specifications

Provide One complete original copy of all supplementary materials.

A non-refundable Certificate of Appropriateness review fee of \$30.00 is payable at time of application.

Apply for relevant Building and Occupancy Permits (*fees apply*)

The HPC meets the second Wednesday of each month and complete applications are due the first Wednesday of each month at 4:00 p.m. You (or a representative) are(is) required to attend the meeting scheduled for your COA.

Preservation Guidelines (*Update 1/1/16*) can be found on the City of Cumberland website at www.cumberlandmd.gov.

Do not begin work until an approval is received on Permits from both –
The Historic Preservation Commission and City of Cumberland.
 A signed, approved, and stamped COA and MB or RB permit form is required for application to be considered complete.
 These will be sent to you upon approval of the department manager or designated representative.

Steve MacGray

Jen@charisrealty.com



Sign is 32 inches wide x 70 inches tall





11/18/2019

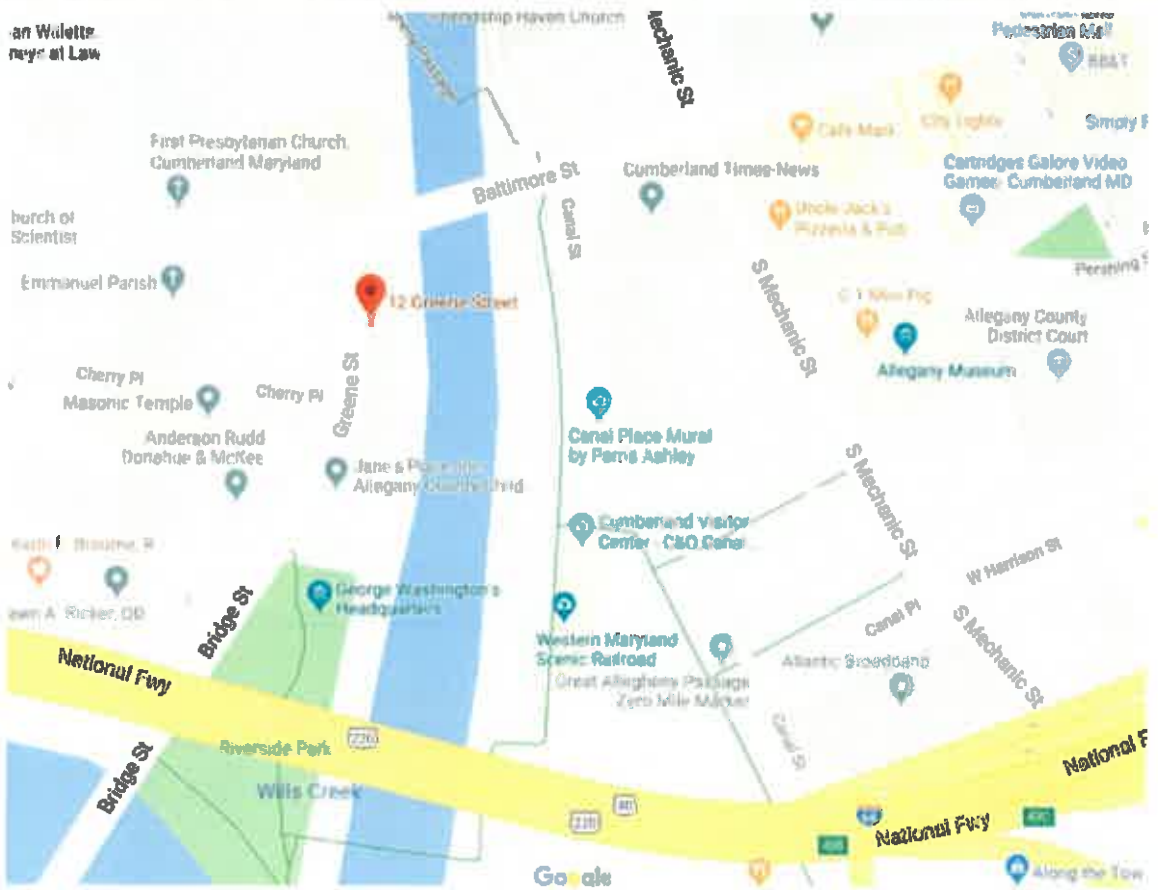
20191118_113522.jpg

Temporary
Sandwich
Board

Brought inside
when business is
closed



an Walleto
nys at Law





Charis Realty Group
1898 Urbana Pike, Ste 6
Clarksburg, MD 20871
Office: 301.631.5099
www.CharisRealtyGroup.com

November 25, 2019

Re: Scope of work for 12 Greene Street, Cumberland, MD 21502

Charis Realty Group is seeking approval for signage to be placed at our branch office located at 12 Greene Street in Cumberland, Maryland. The scope of work includes affixing a perforated vinyl window film to the large window on the front of the building. The film is 32 inches wide by 70 inches long. There is an additional A-frame removable sign that is placed outside the office only when an agent is on duty and is placed back inside at the end of the business day. Photographs are included for reference.



Terri Hast <terri.hast@cumberlandmd.gov>

City of Cumberland Permit Applications

3 messages

Terri Hast <terri.hast@cumberlandmd.gov>

Mon, Jan 13, 2020 at 3:56 PM

To: jen@charisrealty.com, christy@charisrealty.com

Cc: Allison Layton <allison.layton@cumberlandmd.gov>

Good afternoon,

I have three applications for permits in-hand for 12 Greene St. and thank you very much for filling out the information and provided the needed attachments.

We still need a few questions to assist us in completing the applications. I think we can do all this by email.

- Building size - height and width are needed.
- Is the vinyl lettering white?
- Is the business occupying a basement and first floor ONLY as it appears on the drawing? Will the basement be used for storage or as part of daily operations?
- I have a map attached, and need for you to show where the parking for you clients will be. You can do a drawing instead if you rather not use the map provided.
- If you could also mention ADA accessibility (if you have it or not).
- We also need information on where the following are located: exit signs, emergency lights, fire extinguishers and sprinkler system, if available.

Terri Hast

Community Services Specialist

CITY OF CUMBERLAND

Community Development Department

57 N. Liberty Street - Cumberland, MD 21502

General 301-722-2000, Direct line 301-759-6517

terri.hast@cumberlandmd.gov

www.cumberlandmd.gov

 12 Greene St..pdf
148K

Jennifer Alt <jen@charisrealty.com>

Tue, Jan 14, 2020 at 10:41 AM

To: Terri Hast <terri.hast@cumberlandmd.gov>

We will work on the building height and width

The sign is one large vinyl decal the whole part covering the window is white, the letter and logo are a dark purple and green. From the inside of the building you can see through the decal to the outside. So the outside view from inside is not blocked.

The basement is just for storage and our bathroom is down there. No clients go downstairs to the basement

As for parking, we park on Washington Street normally the lower part that you can see in the map you provided. We have also parked and had clients park on the street that runs behind the Kensington.

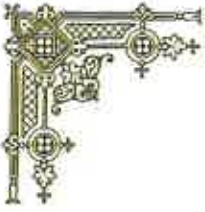
If you need an actual drawing of that let me know and I can email it to you.

We have no ADA accessibility.

We have no exit signs on the inside. Our front door is the only entrance and exit. No emergency lights, No fire Extinguisher and no sprinkler system. We lease this building we do not own it.

Let me know if there is anything else you need from us. I will send you the building measurements as soon as we get them.

Thank you,



City of Cumberland



Presentation of Information
By Kathy McKenney
Charis Realty Group
12 Greene Street
Contact: Christine Issler

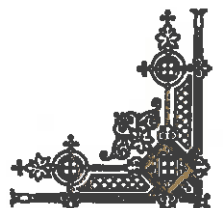
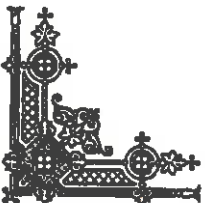
An application for a Certificate of Appropriateness has been requested “after the fact” for the review of a new sign at this new business location. As shown on the attached photo, the sign has been placed within the center window panel on the front façade. The sign encompasses this panel and measures 32” x 70”. It is comprised of vinyl and features the business name and logo using white, purple, and green coloring.

Additional exterior lighting has not been proposed.

**The sections of the Preservation Guidelines that pertain to this application are
Guideline 46: Sign Placement; Guideline 47: Sign Size (Chapter 5, Pages 102-103);
Guideline 49: New Sign Materials (Chapter 5 Page 104)**



CUMBERLAND HISTORIC PRESERVATION COMMISSION
57 N. Liberty Street
CUMBERLAND, MARYLAND 21502



Item Attachment Documents:

5. 309 Washington Street - Request to Change/Amend COA862 & COA863 to reflect "as built" fence— Sean Cooney

CERTIFICATE OF APPROPRIATENESS DECISION

January 11, 2019

- Approved
- Denied
- Conditional

Certificate of Appropriateness # 862
 Agenda Item IVA
 Project Address: 309 Washington Street
 Meeting Date: January 9, 2019
 Property Number: 06026060

Mr. Sean Cooney
 630 Hill Top Drive
 Cumberland, MD 21502

Dear Mr. Cooney:

The Historic Preservation Commission of the City of Cumberland on the above date, considered the application for construction at the above address as follows:

Exterior improvements are to include: the installation of a new fence along the perimeter of the property lines. The design of the fence varies in style according to the location in which it is to be placed, as detailed in the submitted documentation. The section that fronts Washington Street has been designed using 4' x 8' pressure treated wood fence panels. Instead of the factory dogear finish, design elements will be added to the top of the fence to lend a more decorative finish. As shown on the attached sketches, these include installing two 4" x 8' wooden rails spaced 2' apart above the top of the fence panels. One-inch wide balusters will be placed between the rails and spaced approximately 7" apart. Each panel will be affixed to 6"x 6" x 6' posts finished with a 6"x 6" wood post cap (as shown in the application) and topped with a copper finial in a pineapple design. The wooden panels and vertical balusters will be painted "Fioli Antique Lace" (#3002-10 B) from the Valspar paint line (a color that matches the house). The trim pieces will be painted white. This design will extend thirty-eight feet across the front yard along Washington Street. A three-foot gate matching the same style and specifications will be placed closest to the structure at the left side of the vacant lot.

The fence that is proposed for placement along the 150' of the side yard as well as along the rear of the property will consist of a 6' x 8' pressure treated wood panel fence that will not feature the ornamentation that will be placed along the front property line.

The application was:

- DENIED
- APPROVED AS SUBMITTED
- APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS

APPROVED with the following conditions: that the sides of the fence that are visible from the Public Right of Way be painted with the same colors used for the panels that front along Washington Street as detailed above.

Sincerely,

Kathy McKenney
 Community Development Programs Manager

Cc: Planning and Zoning
 COA File

NOTE: Please note that the approval listed above only constitutes the approval of the Historic Preservation Commission. You must still ensure that all other permits associated with this project, if required, have been applied for and approved by the Building and Zoning Officer. EXPIRATION OF CERTIFICATES OF APPROPRIATENESS: This application hereby expires six months following the file date if no action is taken to start specified work. Also, the application will expire six months following the file date if the applicant fails to provide additional information as requested by the HPC or its staff in order for the Commission to render a decision.



EXISTING CERTIFICATE OF APPROPRIATENESS REQUEST FOR CHANGE/AMENDMENT

Certificate of Appropriateness #: 863

Property Owner: Mr. Sean Cooney

Original Approval Date: January 9, 2019

Project Address: 309 Washington Street (Lot Adjacent)

Property Number: 08026052

Change/Amendment Review Date: February 12, 2020

The request for a change/amendment to the original review includes the following scope of work: The request for a change/amendment to the original review includes the following scope of work: "after the fact" modifications to the originally approved scope of work/design for a new fence at this location. All fence panels have been installed in front of the posts. The original design spaced the panels between the posts leaving the posts visible between the panels. The property owner has provided the attached emailed explanation for the reasons the fence was not constructed according to the approved design.

The request was:

- DENIED
- APPROVED AS SUBMITTED
- APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS

APPROVED with the following conditions:

Signed:

HPC Chair

HPC Secretary

NOTE: Please note that the approval listed above only constitutes the approval of the Historic Preservation Commission. You must still ensure that all other permits associated with this project, if required, have been applied for and approved by the Building and Zoning Officer.



Kathy McKenney <kathy.mckenney@cumberlandmd.gov>

Re: 309 Washington Street Fence

1 message

Sean Cooney <sean@silversound.us>

Tue, Jan 28, 2020 at 3:47 PM

To: Kathy McKenney <kathy.mckenney@cumberlandmd.gov>

Hello Kathy and Historic Preservation Commission members,

Thank you for reviewing my updated fence specifications for the front yard fence of 309 Washington Street.

The fence was installed by local fence contractor, Upright Fence Co. While they had the same plans as per our specs from 2019, they ran into certain unexpected challenges to overcome to create this fence given the environmental challenges uncovered in the landscape. The yard goes through a substantial variance of elevation along the fence line. It is a low point between the two houses (and over an underground rainwater drain line) and therefore generates a great deal of rain-water flow, leading to largely wet soil, with a tree creating a raise in height and a bumpy ground line. Also the side yard on whole has a substantial slope that became more noticeable as the area was cleared and prepared.

To achieve a stable, sturdy, long-lasting fence that would be able to withstand the ongoing changing environmental challenges (excessively soft and wet soil, moving tree roots and a big slope with multiple dips in height), the fence contractors built the fence posts with large supporting beams behind the fence pickets attached to the fence posts [Figure A]. This is *instead of* brackets attaching thin fence picket rows to the sides of the posts which was in my submitted drawing [Figure B]. The plan as drawn would have led to the long posts (of varying height and along a slope, undergoing changing underground root pressure and heavy seasonal water saturation) having movement and creating fence pickets that change in position or pop off, and leaving a fence line that could easily be knocked over with an impact or heavy gusts of wind.

The reinforced fence they installed led to a large supporting beam along the top of the fence line, which was able to act as a long line of trim along the top, useful in hiding the large ground slope that the fence was overcoming. So along the trim line that is at the top of the pickets, this trim piece is thickened to accommodate, which meets the fence door, which was created with heavy duty bracket hinges, and handle that can withstand a 45 pound wood door swinging and shutting. [Figure C].

The end result is a stable, attractive fence that will enhance the visual landscape of Washington Street, which is historically appropriate and achieves my original intent. I am proud to have created a safe lawn for my children to grow up in, and improved my property with a fence that emulates my examples and originally approved design with a few adjustments that had to be made upon installation to ensure a stable fence for decades to come.

Please feel free to ask me any questions.

Thank you very much for your review.

Warm Regards,
Sean Cooney

On Tue, Jan 21, 2020 at 1:01 PM Kathy McKenney <kathy.mckenney@cumberlandmd.gov> wrote:

Sean,

As a follow up from our conversation last week, I am writing to obtain more information from you as to why the recently installed fence at your property was not constructed consistent with your submitted specifications which were utilized by the Historic Preservation Commission to review your Certificate of Appropriateness application. Please send this information to me either by email or written letter by January 30th so that it can be presented to the Historic Preservation Commission.

Thank you,
Kathy



Kathy McKenney

Community Development Programs Manager

City of Cumberland

[57 North Liberty Street](#)

[Cumberland, MD 21502](#)

301-759-6431 (phone)

301-759-6432 (fax)

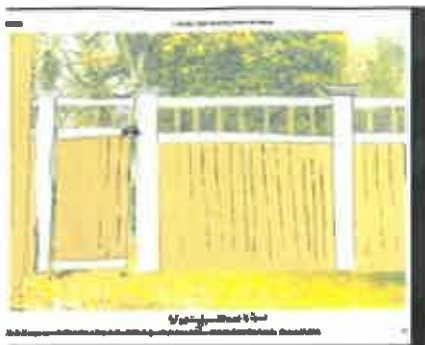
www.ci.cumberland.md.us

3 attachments



A.JPG
2589K

B.png
102K



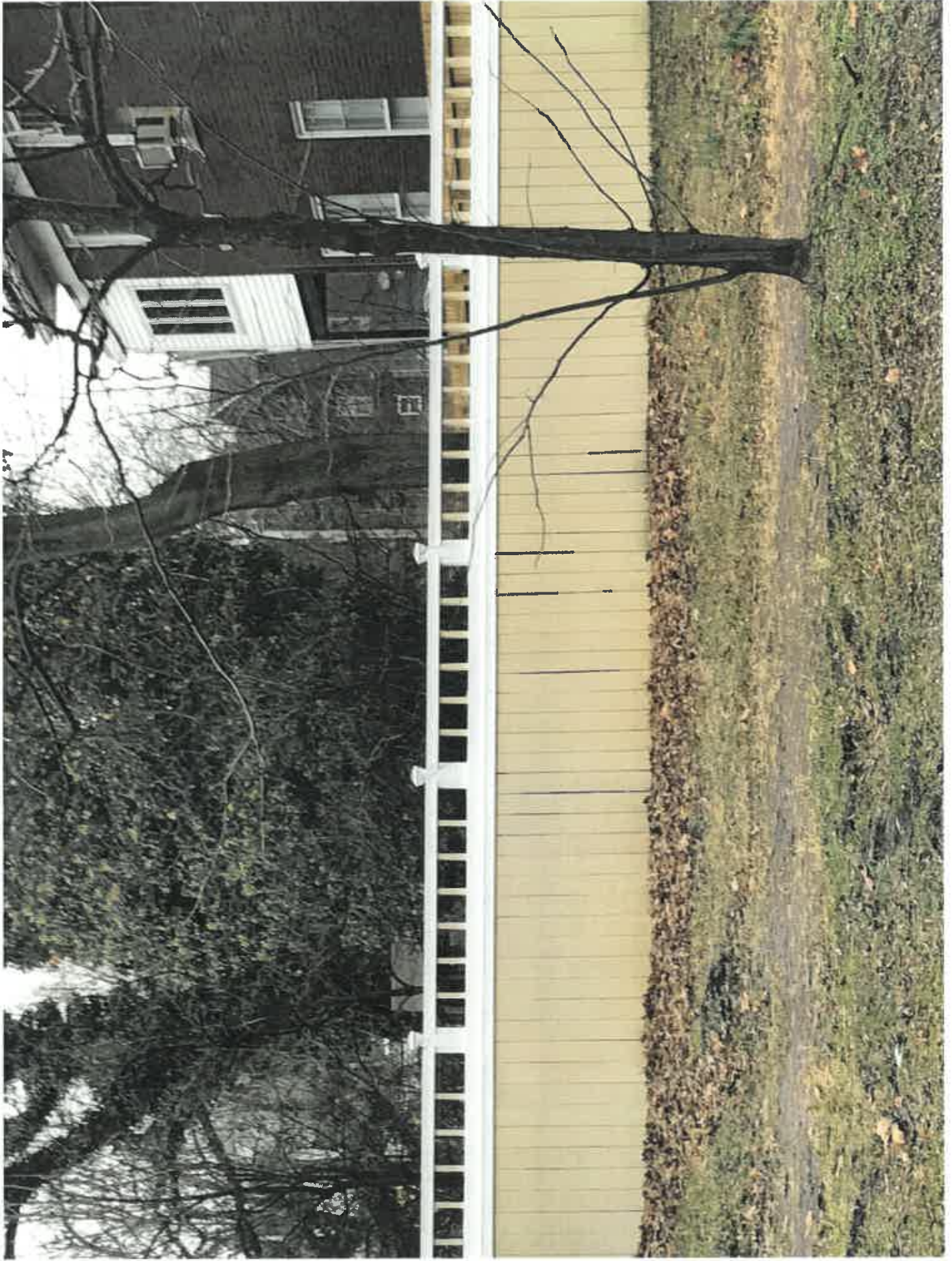
C.JPG
4345K













City of Cumberland



Presentation of Information

By Kathy McKenney

309 Washington Street

Request for Change/Amend COA862 and COA863

Contact: Sean Cooney

Requests for a Change/Amend to Certificates of Appropriateness #862 and #863 have been prepared for an "after the fact" review of modifications to the approved design that the Historic Preservation Commission considered at the January 9, 2019 meeting. A copy of each original Certificate of Appropriateness and the approval letters have been provided in the meeting packets. As a reminder, two separate Certificates of Appropriateness were issued since two separate tax account lots of record were part of the overall project.

These modifications were made without consultation to staff or to the Historic Preservation Commission. An email has been provided from the property owner to help detail the reasons for these modifications.

The specific area where the completed project is not consistent with the approved design relates to the posts. All fence panels have been installed in front of the posts. The original design spaced the panels between the posts leaving the posts visible between the panels. The property owner has provided the attached emailed explanation for the reasons the fence was not constructed according to the approved design.

The original conditional approval was as follows:

Exterior improvements are to include: the installation of a new fence along the perimeter of the property lines. The design of the fence varies in style according to the location in which it is to be placed, as detailed in the submitted documentation. The section that fronts Washington Street has been designed using 4' x 8' pressure treated wood fence panels. Instead of the factory dogear finish, design elements will be added to the top of the fence to lend a more decorative finish. As shown on the attached sketches, these include installing two 4" x 8' wooden rails spaced 2' apart above the top of the fence panels. One-inch wide balusters will be placed between the rails and spaced approximately 7" apart. Each panel will be affixed to 6"x 6" x 6' posts finished with a 6"x 6" wood post cap (as shown in the application) and topped with a copper finial in a pineapple design. The wooden panels and vertical balusters will be painted "Fioli Antique Lace" (#3002-10 B) from the Valspar paint line (a color that matches the house). The trim pieces will be painted white. This design will extend thirty-eight feet across the front yard along Washington Street. A three-foot gate matching the same style and specifications will be placed closest to the structure at the left side of the vacant lot.



CUMBERLAND HISTORIC PRESERVATION COMMISSION
57 N. Liberty Street
CUMBERLAND, MARYLAND 21502



The fence that is proposed for placement along the 150' of the side yard as well as along the rear of the property will consist of a 6' x 8' pressure treated wood panel fence that will not feature the ornamentation that will be placed along the front property line.

The application was:

DENIED

APPROVED AS SUBMITTED

APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS

APPROVED with the following conditions: that the sides of the fence that are visible from the Public Right of Way be painted with the same colors used for the panels that front along Washington Street as detailed above.

The section of the Preservation Guidelines that pertain to this application is Guideline 62: Fences (Chapter 5 page 113)

CERTIFICATE OF APPROPRIATENESS DECISION

January 11, 2019

- Approved
- Denied
- Conditional

Certificate of Appropriateness # 863
 Agenda Item IVA
 Project Address: 309 Washington Street (Adjacent Lot)
 Meeting Date: January 9, 2019
 Property Number: 06026052

Mr. Sean Cooney
 630 Hill Top Drive
 Cumberland, MD 21502

Dear Mr. Cooney:

The Historic Preservation Commission of the City of Cumberland on the above date, considered the application for construction at the above address as follows:

Exterior improvements are to include: the installation of a new fence along the perimeter of the property lines. The design of the fence varies in style according to the location in which it is to be placed, as detailed in the submitted documentation. The section that fronts Washington Street has been designed using 4' x 8' pressure treated wood fence panels. Instead of the factory dogear finish, design elements will be added to the top of the fence to lend a more decorative finish. As shown on the attached sketches, these include installing two 4" x 8' wooden rails spaced 2' apart above the top of the fence panels. One-inch wide balusters will be placed between the rails and spaced approximately 7" apart. Each panel will be affixed to 6"x 6" x 6' posts finished with a 6"x 6" wood post cap (as shown in the application) and topped with a copper finial in a pineapple design. The wooden panels and vertical balusters will be painted "Fioli Antique Lace" (#3002-10 B) from the Valspar paint line (a color that matches the house). The trim pieces will be painted white. This design will extend thirty-eight feet across the front yard along Washington Street. A three-foot gate matching the same style and specifications will be placed closest to the structure at the left side of the vacant lot.

The fence that is proposed for placement along the 150' of the side yard as well as along the rear of the property will consist of a 6' x 8' pressure treated wood panel fence that will not feature the ornamentation that will be placed along the front property line.

The application was:

- DENIED**
- APPROVED AS SUBMITTED**
- APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS**

APPROVED with the following conditions: that the sides of the fence that are visible from the Public Right of Way be painted with the same colors used for the panels that front along Washington Street as detailed above.

Sincerely,

Kathy McKenney
 Community Development Programs Manager

Cc: Planning and Zoning
 COA File

NOTE: Please note that the approval listed above only constitutes the approval of the Historic Preservation Commission. You must still ensure that all other permits associated with this project, if required, have been applied for and approved by the Building and Zoning Officer. EXPIRATION OF CERTIFICATES OF APPROPRIATENESS: This application hereby expires six months following the file date if no action is taken to start specified work. Also, the application will expire six months following the file date if the applicant fails to provide additional information as requested by the HPC or its staff in order for the Commission to render a decision.

CERTIFICATE OF APPROPRIATENESS

See attached for information which may be requested by the Historic Preservation Commission, as deemed necessary.

LOCATION: 309 WASHINGTON ST

OWNER: SECETARY OF VETERANS AFFA

TENANT: SECRETARY OF VETERANS AFF

Applicant

SEAN COONEY

630 HILL TOP DR

CUMBERLAND

MD 21502

File Date:

1/02/2019

Wrk Description Privacy Fence

1 Filing Fee

30.00

TOTAL AMOUNT:

30.00

Proposed Work: Proposed installation of a privacy fence on the front, side, and rear yard of the structure extending into the adjacent lot. The fence varies in style according to the location. The section that fronts Washington St is designed using 4'x8' pressure treated wood fence panels. The fence that is proposed for the side yard as well as the rear of the property will consist of a 6'x8' pressure treated wood panel fence that will not feature the ornamentaion that is in the front yard. A 3' gate matching the same style and specs will be placed closest to the left side of the vacant lot. Property owner is

Subject: However to revocation by the HPC in the case the afore named construction is not in compliance with the requirements of the City Ordinance relating to Historic Preservation, especially Ordinance No. 3208.

H.P.C. Chairman

H.P.C. Secretary

Statement: I hereby agree to comply with all regulations which are applicable hereto, and further agree that the proposed work shall be faithfully carried out as described on this request and as shown on the plans accompanying same, and not otherwise. This application hereby expires six months following the file date if no action is taken to start specified work. Also, this application will expire six months following the file date if the applicant fails to provide additional information as requested by the HPC or its staff in order for the Commission to render a decision. Signed _____



City of Cumberland

Department of Community Development • 57 N. Liberty Street • Cumberland, MD 21502 • www.cumberlandmd.gov
301-759-6442 • Fax 301-759-6432 • debbie.helmstetter@cumberlandmd.gov

MB# _____

MISCELLANEOUS BUILDING PERMIT APPLICATION

Including, but not limited: Fence, Deck, Pool, Porch, Patio, Sidewalk, Porch Roof, Shed, Carport, Detached Garage, Gazebo, Driveway, Satellite Dish/Antenna, Minor Grading (<600 SF of disturbance and/or no excess slope), Curb Cut, Canopy, Work in Public Right-of-Way, Retaining Walls.

Project Location 309 Washington Street

Tax ID # 06-026060 - ~~026052~~ (side yard between 309 & 305)

The Tax ID # can be found on your deed or by visiting www.dat.state.md.us / Real Property / Real Property Search. When construction is being done and several property account numbers are involved, properties must be combined under one property number. It will be necessary to contact the State of Maryland Assessment Office, 112 Baltimore Street, Gateway Center, 301-777-2113, prior to applying for permit.

OWNER/APPLICANT Name Sean Cooney Phone 301-593-1526

Address 309 Washington St. Cumberland, MD 21502

CONTRACTOR Upright Fence Co Contact Name Rick Burley

Address 13210 Burrellville Rd. Mt. Savage, MD 21545 Phone 301-264-9991

Contractor's MD License Number _____ Email _____

Description of Work Build a privacy fence around side and back yard of 309 Washington St.

Estimated Cost of the project \$ 6,000

- Attach a Site Plan with scale legend and notation on drawing showing the following: (sample available)**
 - Lot Size.
 - Building Footprint showing outside dimensions.
 - Setback, Side Yard, Rear Yard Measurements from property line to proposed structure/construction.
 - Street location(s), including street address.
- Attach a Scaled Plan Detailed Drawing showing all the following if applicable: (sample available)**
 - Dimensions- Width, Depth, Linear Feet and Height.
 - Specifications Outlining Building Materials and Quantities and/or Typical Cross Section from Footing to Roof Line (this should be representative of all building materials you will be using).
 - Footing Size.
- Attach the Encroachment Agreement if applicable.**
- Complete Plumbing and/or Electrical Permit applications, when applicable. (no fee)**
- Complete the City's 4 page Inspection Checklist for permits subject to the Building Codes permit process**
- Apply for a Certificate of Appropriateness, subject to Historic Preservation Commission approval, if the property is located in a designated Historic district and Historic guidelines are applicable. (\$30 fee)**
- A non-refundable Miscellaneous Building Permit Filing Fee of \$15.00 is payable upon application. A final walk through is required after all construction work is completed and the property is in move-in condition. A 24-48 hour notice is required for scheduling this appointment.**
- Schedule an inspection of the final project with a City Building and Zoning Officer, 301-759-6455 or 301-759-6445.**

Do not begin work until an approval is received from the City of Cumberland.

A signed and stamped permit form is required for application to be considered complete.
This will be sent to you upon approval by the department manager or designated representative.

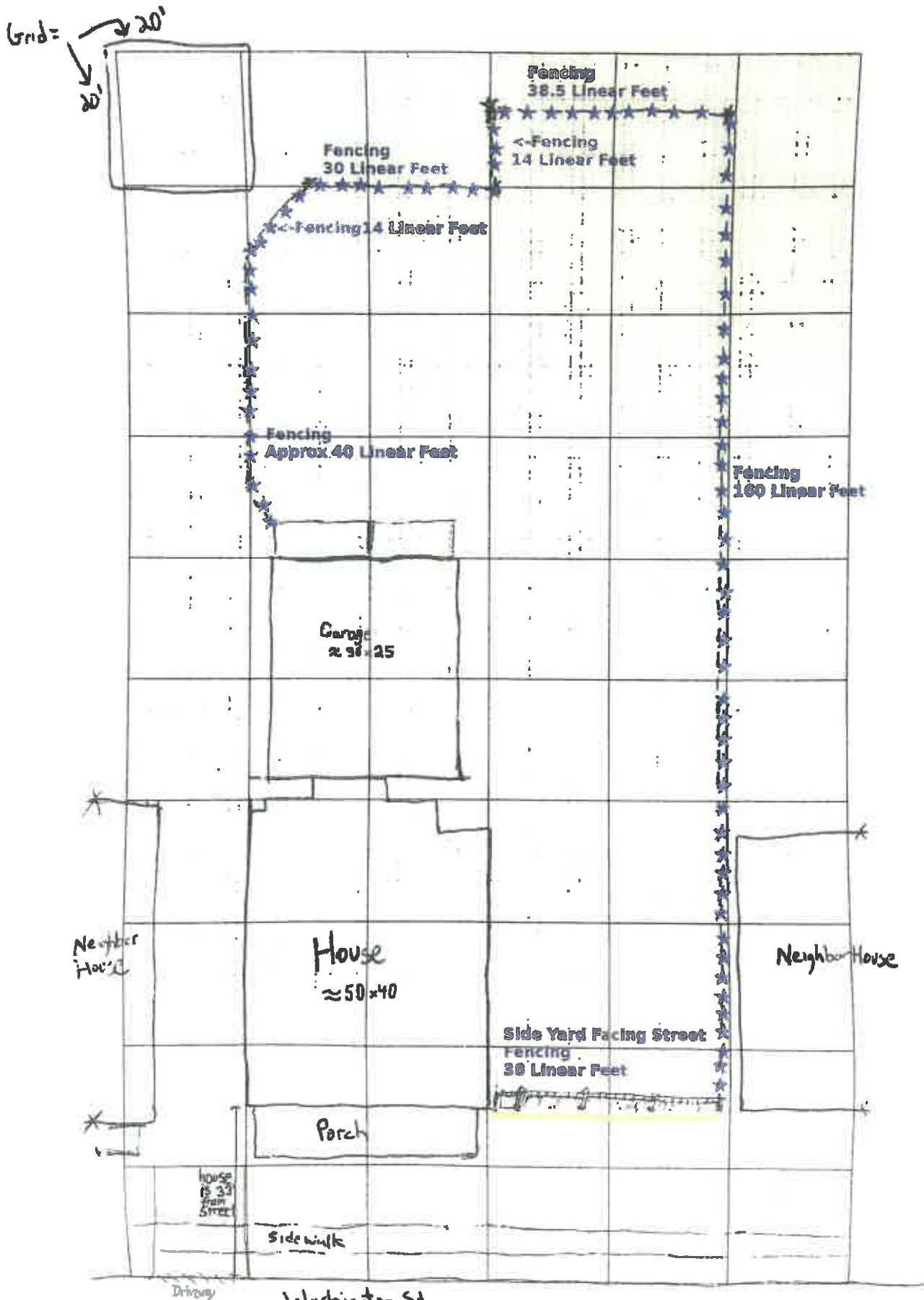
Please note that issuance of a building permit is subject to appeal within 30 days from date of posting of the building permit on the property. An appeal could result in the rescission of the building permit. Any construction work undertaken by the applicant or his/her designee within the appeal period or prior to resolution of any appeal that may be filed within the appeal period is undertaken at the sole risk of the applicant.

Applicant Signature: _____

Date: 1/2/19

SEE REVERSE →

H/Community Development/Permit Apps 2017/MB



309 Washington St. Fence Application

HPC Certificate of Appropriateness Permit Application

In following text, please refer to the corresponding number labeled attachment that appears within brackets [4] within the text.

Address: 309 Washington Street, Cumberland, MD 21502. [1]

Goal: to install a privacy fence to ensure the safety and privacy of family with small children and dog by installing a privacy fence that is highly attractive and historically appropriate.

Scope of Work:

We intend to install a privacy fence around the side and back yard of 309 Washington Street. The side of the fence closest to the street will be in the side yard, set back from the street and sidewalk so it can, by Cumberland city code, have a height of 6' - but since it is visible we intend to follow the Historic Preservation Guidelines set forth in Chapter 5, page 113. http://www.ci.cumberland.md.us/DocumentCenter/View/1207/DesignGuidelines_Chapter-5_DesignGuidelines The house is a Georgian Italianate[1], with Neo-Classical elements throughout. [2] & [3] It was built in 1922.

We are using wood pine for the materials, painting in historically appropriate color choices, and have selected all finishes based on attraction and historic appropriateness, in-line with the style of the home and elevating the aesthetic of the property and street. We have researched extensively online to find appropriate examples of historically accurate fencing for this style and era of home. The fence will be a vertical wood slat privacy fence with the edges aligning the sides not seen from Washington Street being capped at 6' and pending city approval. The side that is highly visible to the street (hereforward referred to as *HPC Fence*) will contain a 4' high lower section, with an ornamental top section. The top section of HPC Fence will have a piece of trim with sparse vertical slats leading to an upper vertical trim piece. (In-line with the Georgian appeal to symmetry, the slats will be placed in a pattern that makes evenly placed vertical window boxes between the 1" slats that are 7.25 inches wide by 14.5" high.) [4] The post caps will have in classical style and in Georgian-Italianate-appropriate even dimensions and square design.

HPC Fence will begin within the front most section that is on the side of the house, heading away from the house at a right angle, 38' at which point it makes a right angle heading towards the back of the property and away from Washington Street. [5] & [6] An entry gate will be located at the far left of the HPC Fence (if viewing from the street), jutting out from the edge wall, with just several inches of fence slat before the Left Post of the entry gate. The entry gate posts will be 6" square wood posts, Painted white, with the same-style square Classical post caps as the other non-gate posts but with two Georgian copper Pineapple Finials on Top. [7] [8] The gate handle will be dark-iron (near black), with a Classical, period-appropriate design that has a circular theme which matches with the houses front-door circular-connection-point dark-iron-handle. HPC fence will be 38' long with four 8' sections between the right side (looking at fence from street) towards the house side corner, separated by posts, and a gate which will be in the same style as the fence including the finials on the posts will be at the section of the fence adjoining the house side, with the gate door being approx 42" wide with columns on either side. [6] [9]

Materials:

Finials on Top of Gate Post Caps [10]:

https://www.postcapdepot.com/postcaps/copper/copper-pineapple-finial-post-cap-screw-base/?sku=CPPNB-LG&gclid=EA1a1QobChM7bC0pvN3wIVklnlCh0J8whZRAQYAYABEgKzi_D_BwE

6" x 6" Post Caps, which will be painted white (to be used on Gate Posts) [11]:

https://www.homedepot.com/p/6-in-x-6-in-Wood-Flat-Fancy-Post-Cap-6-Pack-189301205113005?cm_mmc=Shopping%7CG%7CBase%7CD21%7C21-20_PRESSURE+TREATED/DECKING%7CGeneric%7CPLA%7CAIDecking%7c7170000033723687%7c58700003910823156%7c92700032578141470&gclid=EA1a1QobChM7bC0pvN3wIVklnlCh0J8whZRAQYAYABEgKzi_D_BwE

4" x 4" Post Caps, which will be painted white (matching- same design just slightly smaller > to be used on Non-Gate posts) [11]:

<https://www.homedepot.com/p/4-in-x-4-in-Wood-Flat-Fancy-Post-Cap-6-Pack-189300205112994>

Fencing for HPC Fence section (This is base only, the top will have design) [12]:

<https://www.lowes.com/pd/Severe-Weather-Actual-4-ft-x-8-ft-Pressure-Treated-Pine-Dog-Ear-Wood-Fence-Panel/50434234>

Fence for side and back yard [13]:

<https://www.lowes.com/pd/Severe-Weather-Actual-6-ft-x-8-ft-Pressure-Treated-Dog-Ear-Wood-Fence-Panel/50434226>

Design will be made from Pressure treated decking lumber:

.75" thick by 3.5" vertical, 8' approximately long between posts

<https://www.lowes.com/pd/Severe-Weather-Actual-0-75-in-x-3-5-in-x-10-ft-Treated-Lumber/4758186>

And the mini pickets at the top will be 1" (.5" depth") placed vertical.

With Top rail 2"x4"x8' Treated, placed vertically.

All painted white.

Handle on Fence -> 3" H x 4.5" wide dark iron circular [14]:

<https://www.houseofantiquehardware.com/cast-iron-knob-latch-set>

Paint Color to Match House [15]: (National Trust for Historic Preservation) Valpar 3002-10B Fioli Antique Lace.

White (For Fence trim pieces near and at top) [16]: Historic Designated SW 7006 Extra White.

<https://www.sherwin-williams.com/homeowners/products/SW7006-extra-white/#7006/?s=coordinatingColors&p=PS0>

Sheens: Semi for Fence and gloss for Trim.

Additional References:

Website Listing All Historic Colors: <https://www.culpeperva.gov/documents/historicalcolorchart.pdf>

Georgians have an interesting link to pineapple designs leading into their garden such as in our case. Here is an entire article about it:

<https://georgianera.wordpress.com/tag/pineapples/>

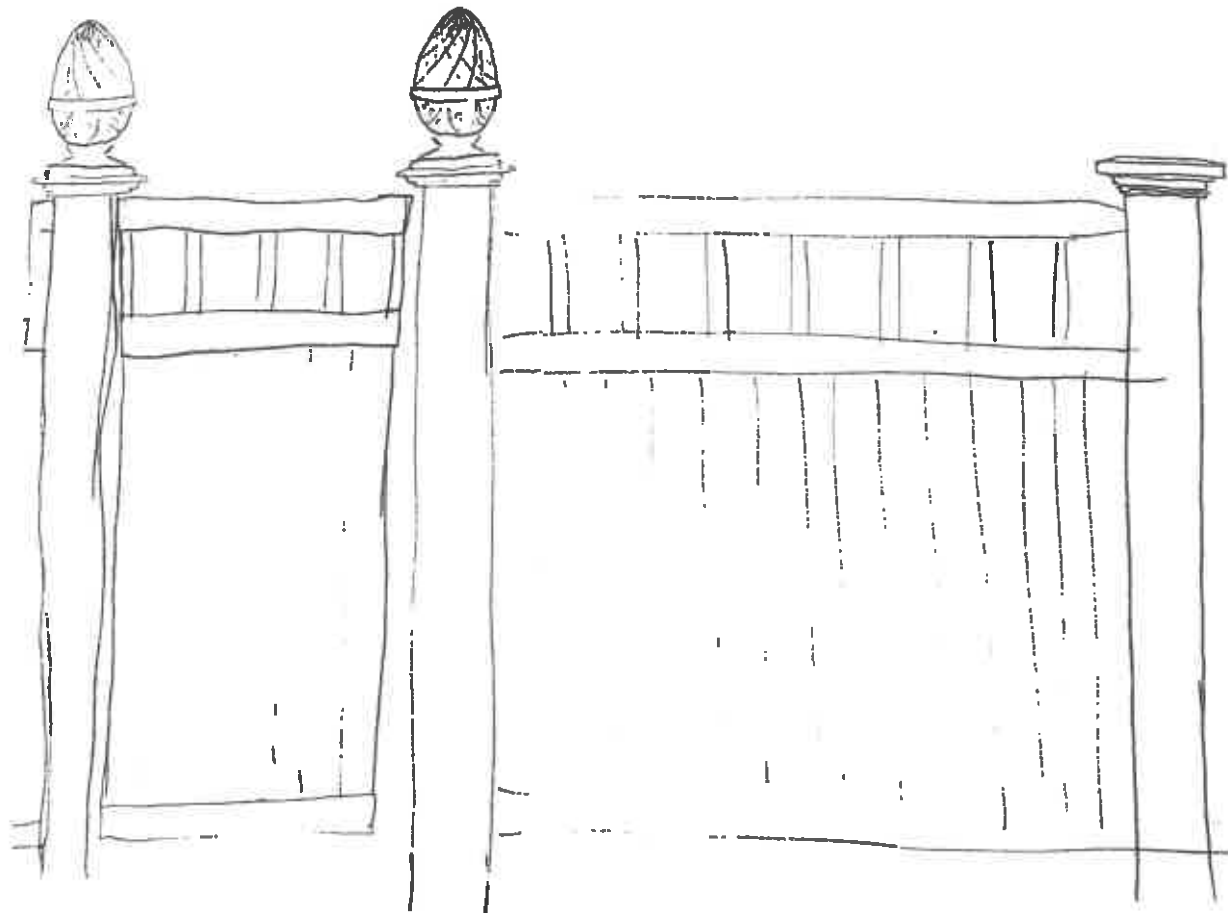
Some Examples of Fencing in Homes of Period showing split level with lower dense slats and lower dense or abutted slats, as well as posts caps of similar Square Neo-Classical design. [14] [15] [16]

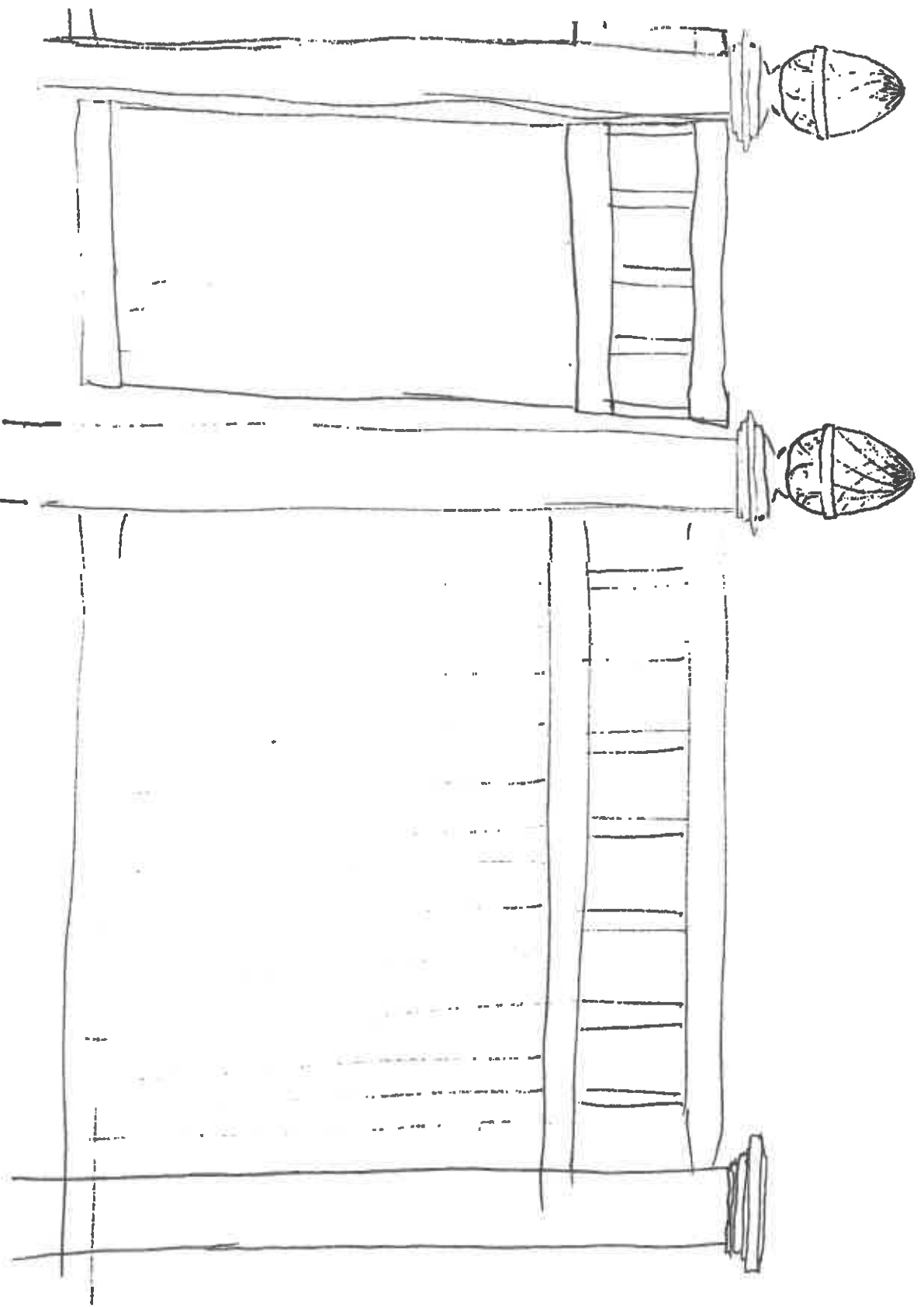
The nearest example of a privacy fence on Washington Street is on the next block up, at 411. [17] [18] [19] It has a 6' privacy fence, mono-tone, white. Slats are butted against eachother and run 5.5'high. (Mine are to butted against eachother but only going 4' high until we reach the detailed design of the upper fence, and will be in two tones, the critical slats of the lower and upper sections being painted a historic color matching the shade of the house and the posts, post caps and trim being painted a bright historic white.)

Summary:

Thank you for your review. Please contact me with any questions and I will get back to you asap. I would like to beautify the property and street while keeping my family safe, with this fencing being a personal requirement for ensuring a safe family life and our investment into the neighborhood, particularly with a new rehab clinic/office being a half block away. I have great pride in Cumberland and our home on Washington Street and intend to make this fence a welcome

addition to our city's architectural legacy.





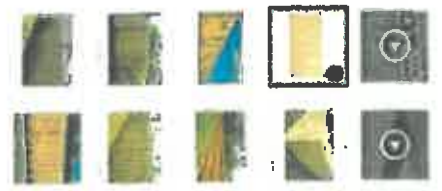


Washington Street View





Wooden 4' panel - Washington Street Elevation



Severe Weather Pressure Treated Pine Dog Ear



↳ dog ear (side and rear elevations)
wooden panel

https://www.houseofantiquehardware.com/cast-iron-knob-latch-set



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- Rust Resistant Powder-Coated Finish
- Authentic Historic Design
- Reversible for Left or Right Handing

Details

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Item Sold As Complete Set for One Door

Included Hardware Matching Slotted Screws

Usually Ships In 3 to 5 Business Days [More Info >](#)

Warranty 5 Year Warranty

No Reviews Write the First Review

[Read Product Questions & Answers](#)

Quantity: 1

Item #: RS-01JW-088497

Price: \$36.99



https://www.postcapdepot.com/postcaps/copper/copper-pineapple-finial-post-cap-screw

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**Copper Pineapple
Finial Post Cap - Screw
Base**

★★★★★ Review

\$37.95

SKU:

CPPNB-1G

Availability:

Normally ships within 48 hours

Shipping:

Calculated at checkout

Available Sizes:

5x5 or 6x6

Quantity:

1

6 in. x 6 in. Wood Flat Fancy Post Cap





3002-10

NATIONAL TRUST FOR
HISTORIC PRESERVATION

NATIONAL TRUST FOR
HISTORIC PRESERVATION



3002-10A
Warm Buff



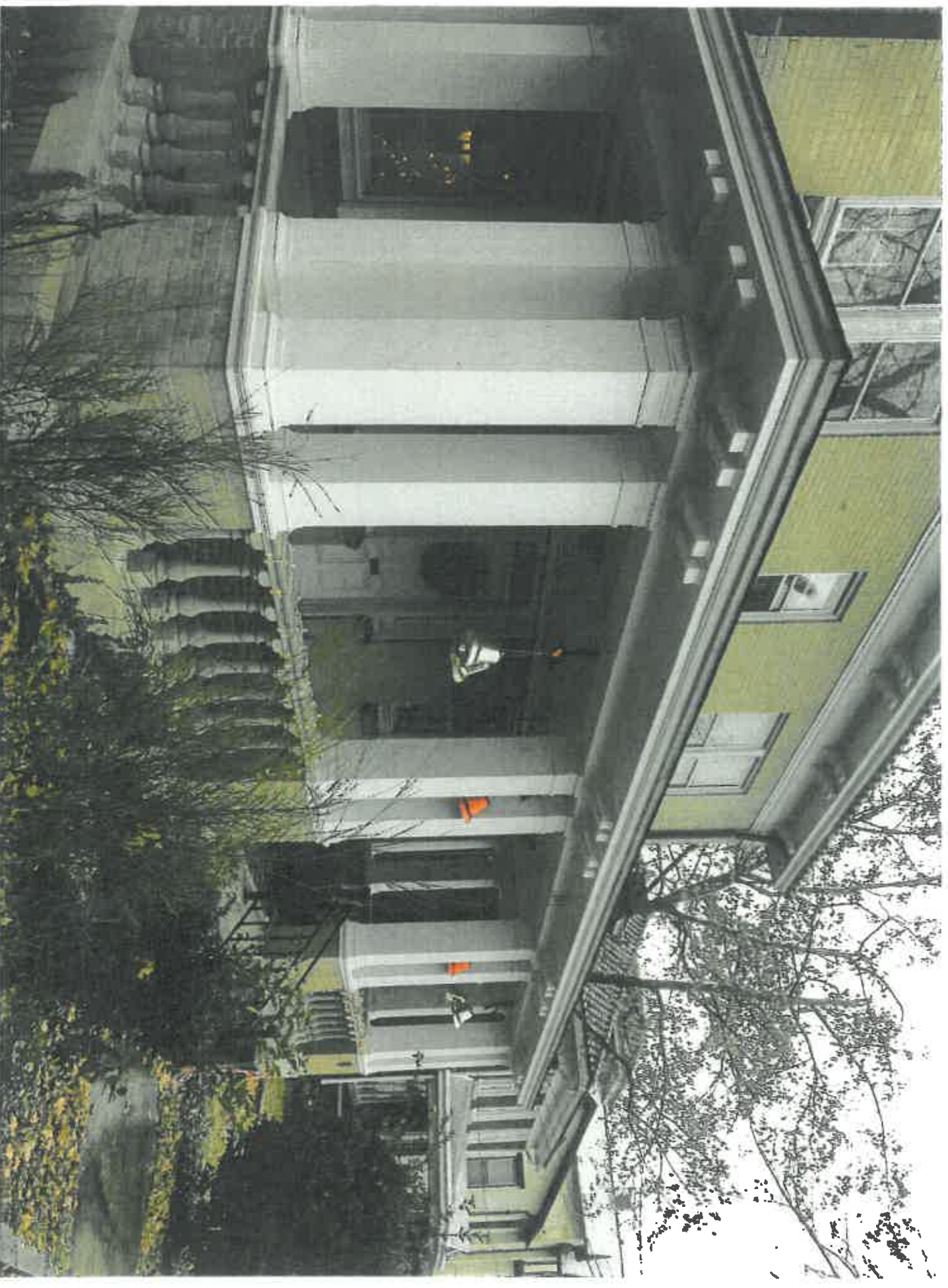
3002-10B
Foli Antiqua Lace



3002-10C
Churchill Hotel Ecru

5. Elevation, Current Side Yard and House.jpg





3. Front Door: Dark Iron Door Handle w Circular Theme AND Georgian Classical Leaded Glass Pattern Pineapple esque.JPG





Real Property Data Search

Search Result for ALLEGANY COUNTY

| | | | | | | | | | |
|---|-----------------|---|----------------------|-------------------------------|--|------------------------------|---------------------------------------|-------------------------|-----------------|
| View Map | | View GroundRent Redemption | | | View GroundRent Registration | | | | |
| Tax Exempt: | | Special Tax Recapture: | | | | | | | |
| Exempt Class: | | NONE | | | | | | | |
| Account Identifier: | | District - 06 Account Number - 026060 | | | | | | | |
| <i>Owner Information</i> | | | | | | | | | |
| Owner Name: | | SECRETARY OF VETERANS AFFAIRS | | | Use: | | RESIDENTIAL | | |
| Mailing Address: | | 3401 WEST END AVE STE 760W NASHVILLE TN 37203- | | | Principal Residence: | | NO | | |
| | | | | | Deed Reference: | | /02402/ 00157 | | |
| <i>Location & Structure Information</i> | | | | | | | | | |
| Premises Address: | | 309 WASHINGTON ST CUMBERLAND 21502-0000 | | | Legal Description: | | 309 WASHINGTON ST 40X160 44X150 | | |
| Map: | Grid: | Parcel: | Sub District: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: |
| 0106 | 0000 | 1101 | | 0000 | | | | 2018 | Plat Ref: |
| Special Tax Areas: | | | | Town: | | CUMBERLAND | | | |
| | | | | Ad Valorem: | | | | | |
| | | | | Tax Class: | | | | | |
| Primary Structure Built | | Above Grade Living Area | | Finished Basement Area | | Property Land Area | | County Use | |
| 1922 | | 2,952 SF | | 600 SF | | 6,400 SF | | | |
| Stories | Basement | Type | Exterior | Full/Half Bath | Garage | Last Major Renovation | | | |
| 2 | YES | STANDARD UNIT | BRICK | 3 full/ 2 half | 1 Detached | | | | |
| <i>Value Information</i> | | | | | | | | | |
| | | Base Value | | Value | | Phase-In Assessments | | | |
| | | | | As of | | As of | | As of | |
| | | | | 01/01/2018 | | 07/01/2018 | | 07/01/2019 | |
| Land: | | 25,700 | | 25,700 | | | | | |
| Improvements | | 219,000 | | 200,600 | | | | | |
| Total: | | 244,700 | | 226,300 | | 226,300 | | 226,300 | |
| Preferential Land: | | 0 | | | | | | 0 | |
| <i>Transfer Information</i> | | | | | | | | | |
| Seller: WOLFF RYAN M | | | | Date: 08/08/2018 | | Price: \$151,290 | | | |
| Type: NON-ARMS LENGTH OTHER | | | | Deed1: /02402/ 00157 | | Deed2: | | | |
| Seller: GEARE DIANA R | | | | Date: 06/23/2014 | | Price: \$259,900 | | | |
| Type: ARMS LENGTH MULTIPLE | | | | Deed1: /02063/ 00085 | | Deed2: | | | |
| Seller: GEARE, JOHN SCOTT-DIANA R | | | | Date: 04/21/2004 | | Price: \$0 | | | |
| Type: NON-ARMS LENGTH OTHER | | | | Deed1: /00729/ 00302 | | Deed2: | | | |
| <i>Exemption Information</i> | | | | | | | | | |
| Partial Exempt Assessments: | | Class | | 07/01/2018 | | 07/01/2019 | | | |
| County: | | 000 | | 0.00 | | | | | |
| State: | | 000 | | 0.00 | | | | | |
| Municipal: | | 000 | | 0.00 0.00 | | 0.00 0.00 | | | |
| Tax Exempt: | | Special Tax Recapture: | | | | | | | |
| Exempt Class: | | NONE | | | | | | | |
| <i>Homestead Application Information</i> | | | | | | | | | |



City of Cumberland



Presentation of Information
By Kathy McKenney
309 Washington Street
Contact: Sean Cooney

Certificates of Appropriateness applications have been received for the proposed installation of a privacy fence on the front, side, and rear yard of the structure extending into the adjacent lot. Since the lot on which the structure is built and the adjacent lot are on separate tax account numbers, the City of Cumberland provided an option to the owner to either combine the two lots onto one tax accounts or to apply for two separate permits (one for each lot). The owner preferred to apply for the separate permits so there are two distinct COAs in the meeting packets but both contain the same documentation.

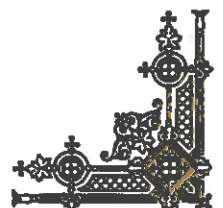
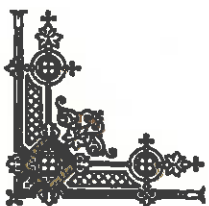
In addition to the attached sketches, the applicant has provided a narrative to define the various components of the project. The proposed design of the fence varies in style according to the location in which it is to be placed. The section that fronts Washington Street has been designed using 4' x 8' pressure treated wood fence panels. Instead of the factory dogear finish, design elements will be added to the top of the fence to lend a more decorative finish. The applicant defines these features as "neo-classical elements". As shown on the attached sketches, these include installing two 4" x 8" wooden rails spaced 2' apart above the top of the fence panels. One-inch wide balusters will be placed between the rails and spaced approximately 7" apart. Each panel will be affixed to 6"x 6" x 6' posts finished with a 6"x 6" wood post cap (as shown in the application) and topped with a copper finial in a pineapple design. The wooden panels and vertical balusters will be painted "Fioli Antique Lace" (#3002-10 B) from the Valspar paint line (a color that matches the house). The trim pieces will be painted white. This design will extend thirty-eight feet across the front yard along Washington Street. A three-foot gate matching the same style and specifications will be placed closest to the structure at the left side of the vacant lot.

The fence that is proposed for placement along the 150' of the side yard as well as along the rear of the property (areas that are not very visible from the public right of way) will consist of a 6' x 8' pressure treated wood panel fence that will not feature the ornamentation that is proposed for the front yard.

The section of the Preservation Guidelines that pertain to this application is Guideline 62: Fences (Chapter 5 page 113)



CUMBERLAND HISTORIC PRESERVATION COMMISSION
57 N. Liberty Street
CUMBERLAND, MARYLAND 21502



CERTIFICATE OF APPROPRIATENESS

See attached for information which may be requested by the Historic Preservation Commission, as deemed necessary.

LOCATION: WASHINGTON ST

OWNER: SECRETARY OF VETERAN AFFA

TENANT: SECRETARY OF VETERANS AFF

Applicant

SEAN COONEY

630 HILL TOP DR

CUMBERLAND

MD 21502

File Date:

1/02/2019

Wrk Description Privacy Fence

1 Filing Fee

30.00

TOTAL AMOUNT:

30.00

Proposed Work: Proposed installation of a privacy fence on the front, side, and rear yard of the structure extending into the adjacent lot. The fence varies in style according to the location. The section that fronts Washington St is designed using 4'x8' pressure treated wood fence panels. The fence that is proposed for the side yard as well as the rear of the property will consist of a 6'x8' pressure treated wood panel fence that will not feature the ornamentation that is in the front yard. A 3' gate matching the same style and specs will be placed closest to the left side of the vacant lot. Property owner is

Subject: However to revocation by the HPC in the case the afore named construction is not in compliance with the requirements of the City Ordinance relating to Historic Preservation, especially Ordinance No. 3208.

H.P.C. Chairman

H.P.C. Secretary

Statement: I hereby agree to comply with all regulations which are applicable hereto, and further agree that the proposed work shall be faithfully carried out as described on this request and as shown on the plans accompanying same, and not otherwise. This application hereby expires six months following the file date if no action is taken to start specified work. Also, this application will expire six months following the file date if the applicant fails to provide additional information as requested by the HPC or its staff in order for the Commission to render a decision. Signed _____

Real Property Data Search

Search Result for ALLEGANY COUNTY

| | | | | | | | | | |
|--|-----------------|---|----------------------|-------------------------------|--|------------------------------|---------------------------------------|-------------------------|------------------|
| View Map | | View GroundRent Redemption | | | View GroundRent Registration | | | | |
| Tax Exempt: | | Special Tax Recapture: | | | | | | | |
| Exempt Class: | | NONE | | | | | | | |
| Account Identifier: | | District - 06 Account Number - 026052 | | | | | | | |
| Owner Information | | | | | | | | | |
| Owner Name: | | SECRETARY OF VETERANS AFFAIRS | | | Use: | | RESIDENTIAL NO | | |
| Mailing Address: | | 3401 WEST END AVE STE 760W NASHVILLE TN 37203- | | | Principal Residence: | | Deed Reference: /02402/ 00157 | | |
| Location & Structure Information | | | | | | | | | |
| Premises Address: | | WASHINGTON ST CUMBERLAND 21502-0000 | | | Legal Description: | | BET 305 & 309 WASHINGTON ST 38X171 | | |
| Map: | Grid: | Parcel: | Sub District: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: |
| 0106 | 0000 | 1102 | | 0000 | | | | 2018 | Plat Ref: |
| Special Tax Areas: | | Town: | | | CUMBERLAND | | | | |
| | | Ad Valorem: | | | | | | | |
| | | Tax Class: | | | | | | | |
| Primary Structure Built | | Above Grade Living Area | | Finished Basement Area | | Property Land Area | | County Use | |
| | | | | | | 6,583 SF | | | |
| Stories | Basement | Type | Exterior | Full/Half Bath | Garage | Last Major Renovation | | | |
| | | | | | | | | | |
| Value Information | | | | | | | | | |
| | | Base Value | | Value | | Phase-In Assessments | | | |
| | | | | As of | | As of | | As of | |
| | | | | 01/01/2018 | | 07/01/2018 | | 07/01/2019 | |
| Land: | | 7,200 | | 7,200 | | | | | |
| Improvements | | 0 | | 0 | | | | | |
| Total: | | 7,200 | | 7,200 | | 7,200 | | 7,200 | |
| Preferential Land: | | 0 | | | | | | 0 | |
| Transfer Information | | | | | | | | | |
| Seller: WOLFF RYAN M | | Date: 08/08/2018 | | | Price: \$151,290 | | | | |
| Type: NON-ARMS LENGTH OTHER | | Deed1: /02402/ 00157 | | | Deed2: | | | | |
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| Type: ARMS LENGTH MULTIPLE | | Deed1: /02063/ 00085 | | | Deed2: | | | | |
| Seller: GEARE, JOHN SCOTT-DIANA R | | Date: 04/21/2004 | | | Price: \$0 | | | | |
| Type: NON-ARMS LENGTH OTHER | | Deed1: /00729/ 00302 | | | Deed2: | | | | |
| Exemption Information | | | | | | | | | |
| Partial Exempt Assessments: | | Class | | 07/01/2018 | | 07/01/2019 | | | |
| County: | | 000 | | 0.00 | | | | | |
| State: | | 000 | | 0.00 | | | | | |
| Municipal: | | 000 | | 0.00 0.00 | | 0.00 0.00 | | | |
| Tax Exempt: | | Special Tax Recapture: | | | | | | | |
| Exempt Class: | | NONE | | | | | | | |

Homestead Application Information

Homestead Application Status: No Application



City of Cumberland

Department of Community Development • 57 N. Liberty Street • Cumberland, MD 21502 • www.cumberlandmd.gov
301-759-6442 • Fax 301-759-6432 • debble.helmstetter@cumberlandmd.gov

MB # _____

MISCELLANEOUS BUILDING PERMIT APPLICATION

Including, but not limited: Fence, Deck, Pool, Porch, Patio, Sidewalk, Porch Roof, Shed, Carport, Detached Garage, Gazebo, Driveway, Satellite Dish/Antenna, Minor Grading (<600 SF of disturbance and/or no excess slope), Curb Cut, Canopy, Work in Public Right-of-Way, Retaining Walls.

Project Location 309 Washington Street Tax ID # 06-026060 - 026052 (side yard between 309 & 305)

The Tax ID # can be found on your deed or by visiting www.dat.state.md.us / Real Property / Real Property Search. When construction is being done and several property account numbers are involved, properties must be combined under one property number. It will be necessary to contact the State of Maryland Assessment Office, 112 Baltimore Street, Gateway Center, 301-777-2113, prior to applying for permit.

OWNER/APPLICANT Name Sean Cooney Phone 301-593-1526

Address 309 Washington St. Cumberland, MD 21502

CONTRACTOR Upright Fence Co Contact Name Rick Burley

Address 13210 Burrellville Rd. Mt. Savage, MD 21545 Phone 301-264-9991

Contractor's MD License Number _____ Email _____

Description of Work Build a privacy fence around side and back yard of 309 Washington St.

Estimated Cost of the project \$ 6,000

- Attach** a Site Plan with scale legend and notation on drawing showing the following: (sample available)
 - Lot Size.
 - Building Footprint showing outside dimensions.
 - Setback, Side Yard, Rear Yard Measurements from property line to proposed structure/construction.
 - Street location(s), including street address.
- Attach** a Scaled Plan Detailed Drawing showing all the following if applicable: (sample available)
 - Dimensions— Width, Depth, Linear Feet and Height.
 - Specifications Outlining Building Materials and Quantities and/or Typical Cross Section from Footing to Roof Line (this should be representative of all building materials you will be using).
 - Footing Size.
- Attach** the Encroachment Agreement if applicable.
- Complete** Plumbing and/or Electrical Permit applications, when applicable. (no fee)
- Complete** the City's 4 page Inspection Checklist for permits subject to the Building Codes permit process
- Apply for** a Certificate of Appropriateness, subject to Historic Preservation Commission approval, if the property is located in a designated Historic district and Historic guidelines are applicable. (\$30 fee)
- A non-refundable Miscellaneous Building Permit Filing Fee of \$15.00 is payable upon application.
A final walk through is required after all construction work is completed and the property is in move-in condition.
A 24-48 hour notice is required for scheduling this appointment.
- Schedule** an inspection of the final project with a City Building and Zoning Officer, 301-759-6455 or 301-759-6445.

Do not begin work until an approval is received from the City of Cumberland.
A signed and stamped permit form is required for application to be considered complete.
This will be sent to you upon approval by the department manager or designated representative.

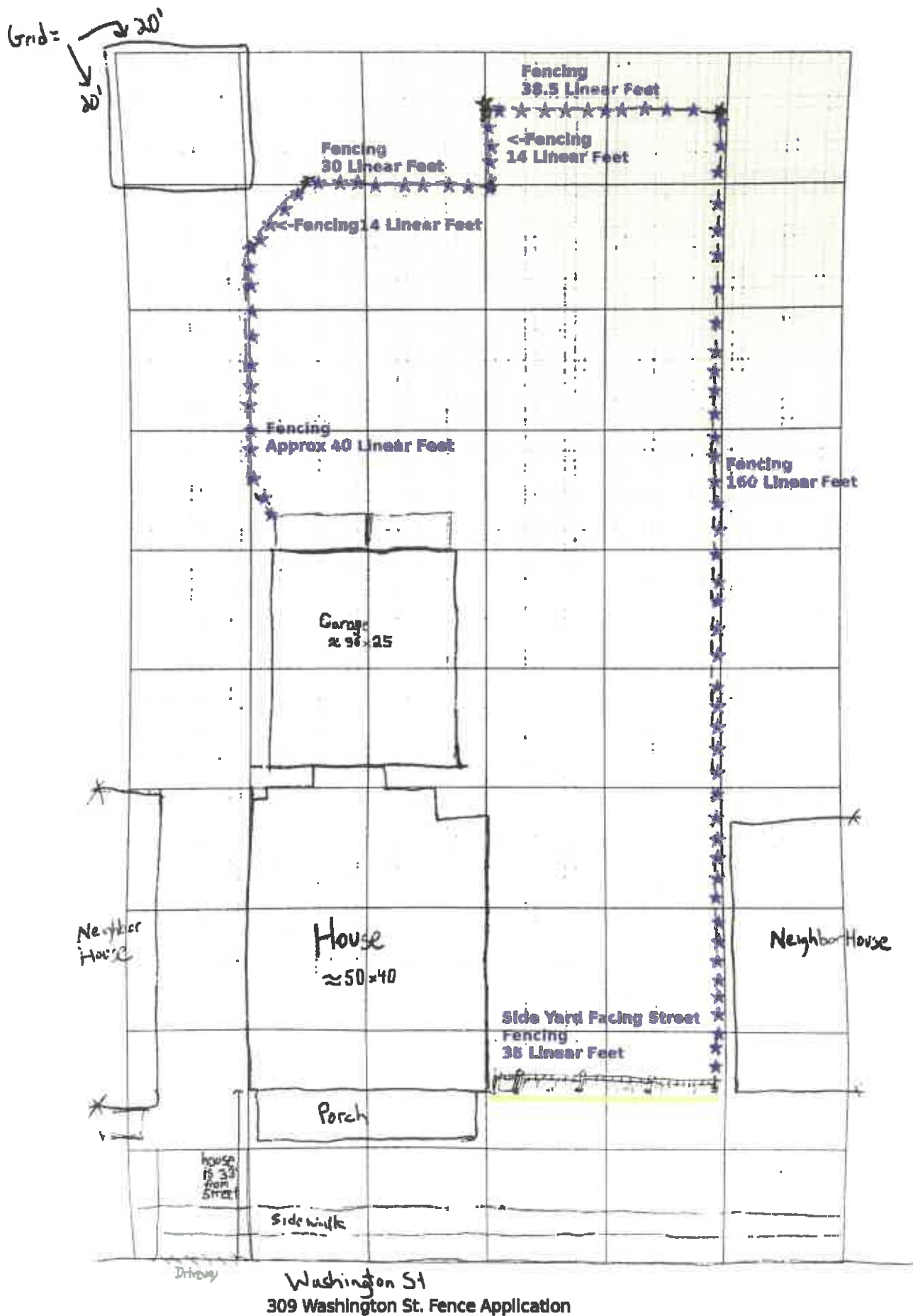
Please note that issuance of a building permit is subject to appeal within 30 days from date of posting of the building permit on the property. An appeal could result in the rescission of the building permit. Any construction work undertaken by the applicant or his/her designee within the appeal period or prior to resolution of any appeal that may be filed within the appeal period is undertaken at the sole risk of the applicant.

Applicant Signature: _____

Date: 1/2/19

SEE REVERSE →

H:\Community Development\Permit Apps 2017\MB



HPC Certificate of Appropriateness Permit Application

In following text, please refer to the corresponding number labeled attachment that appears within brackets [#] within the text.

Address: 309 Washington Street, Cumberland, MD 21502. [1]

Goal: to install a privacy fence to ensure the safety and privacy of family with small children and dog by installing a privacy fence that is highly attractive and historically appropriate.

Scope of Work:

We intend to install a privacy fence around the side and back yard of 309 Washington Street. The side of the fence closest to the street will be in the side yard, set back from the street and sidewalk so it can, by Cumberland city code, host a height of 6' - but since it is visible we intend to follow the Historic Preservation Guidelines set forth in Chapter 5, page 113. http://www.ci.cumberland.md.us/DocumentCenter/View/1207/DesignGuidelines_Chapter-5_DesignGuidelines The house is a Georgian Italianate[1], with Neo-Classical elements throughout. [2] & [3] It was built in 1922.

We are using wood pine for the materials, painting in historically appropriate color choices, and have selected all finishes based on attraction and historic appropriateness, in-line with the style of the home and elevating the aesthetic of the property and street. We have researched extensively online to find appropriate examples of historically accurate fencing for this style and era of home. The fence will be a vertical wood slat privacy fence with the edges aligning the sides not seen from Washington Street being capped at 6' and pending city approval. The side that is highly visible to the street (hereforward referred to as HPC Fence) will contain a 4' high lower section, with an ornamental top section. The top section of HPC Fence will have a piece of trim with sparse vertical slats leading to an upper vertical trim piece. (In-line with the Georgian appeal to symmetry, the slats will be placed in a pattern that makes evenly placed vertical window boxes between the 1" slats that are 7.25 inches wide by 14.5" high.) [4] The post caps will have be in classical style and in Georgian-Italianate-appropriate even dimensions and square design.

HPC Fence will begin within the front most section that is on the side of the house, heading away from the house at a right angle, 38' at which point it makes a right angle heading towards the back of the property and away from Washington Street. [5] & [6] An entry gate will be located at the far left of the HPC Fence (if viewing from the street), jutting out from the edge wall, with just several inches of fence slat before the Left Post of the entry gate. The entry gate posts will be 6" square wood posts, Painted white, with the same-style square Classical post caps as the other non-gate posts but with two Georgian copper Pineapple Finials on Top. [7] [8] The gate handle will be dark-iron (near black), with a Classical, period-appropriate design that has a circular theme which matches with the houses front-door circular-connection-point dark-iron-handle. HPC fence will be 38' long with four 8' sections between the right side (looking at fence from street) towards the house side corner, separated by posts, and a gate which will be in the same style as the fence including the finials on the posts will be at the section of the fence adjoining the house side, with the gate door being approx 42" wide with columns on either side. [6] [9]

Materials:

Finials on Top of Gate Post Caps [10]:

https://www.postcapdepot.com/postcaps/copper/copper-pineapple-finial-post-cap-screw-base/?sku=CPPNB-LG&gclid=BAIaIQbChMm7bC0pvN3wIVknlCh0J8whZEAQYyABEGKzl_D_BwE

6" x 6" Post Caps, which will be painted white (to be used on Gate Posts) [11]:

https://www.homedepot.com/p/6-in-x-6-in-Wood-Flat-Fancy-Post-Cap-6-Pack-189301/205113005?cm_mmc=Shopping%7CG%7CBase%7CD21%7C21-20_PRESSURE-TREATED/DECKING%7CGeneric%7CPLA%7CAllDecking%7c7170000033723687%7e58700003910823156%7e92700032578141470&gclid=BAIaIQbChMm7bC0pvN3wIVknlCh0J8whZEAQYyABEGKzl_D_BwE

4" x 4" Post Caps, which will be painted white (matching- same design just slightly smaller > to be used on Non-Gate (posts) [11]:

<https://www.homedepot.com/p/4-in-x-4-in-Wood-Flat-Fancy-Post-Cap-6-Pack-189300/205112994>

Fencing for HPC Fence section (This is base only, the top will have design) [12]:

<https://www.lowes.com/pd/Severe-Weather-Actual-4-ft-x-8-ft-Pressure-Treated-Pine-Dog-Ear-Wood-Fence-Panel/50434234>

Fence for side and back yard [13]:

<https://www.lowes.com/pd/Severe-Weather-Actual-6-ft-x-8-ft-Pressure-Treated-Dog-Ear-Wood-Fence-Panel/50434226>

Design will be made from Pressure treated decking lumber:

.75" thick by 3.5" vertical, 8' approximately long between posts

<https://www.lowes.com/pd/Severe-Weather-Actual-0-75-in-x-3-5-in-x-10-ft-Treated-Lumber/4758186>

And the mini pickets at the top will be 1" (.5" depth) placed vertical.

With Top rail 2"x4"x8' Treated, placed vertically.

All painted white.

Handle on Fence -> 3" H x 4.5" wide dark iron circular [14]:

<https://www.houseofantiquehardware.com/cast-iron-knob-latch-set>

Paint Color to Match House [15]: (National Trust for Historic Preservation) Valspar 3002-10B Fioli Antique Lace.

White (For Fence trim pieces near and at top) [16]: Historic Designated SW 7006 Extra White.

<https://www.sherwin-williams.com/homeowners/products/SW7006-extra-white#/7006/?s=coordinatingColors&p=PS0>

Sheens: Semi for Fence and gloss for Trim.

Additional References:

Website Listing All Historic Colors: <https://www.culpeperva.gov/documents/historicalcolorchart.pdf>

Georgians have an interesting link to pineapple designs leading into their garden such as in our case. Here is an entire article about it:

<https://georgianera.wordpress.com/tag/pineapples/>

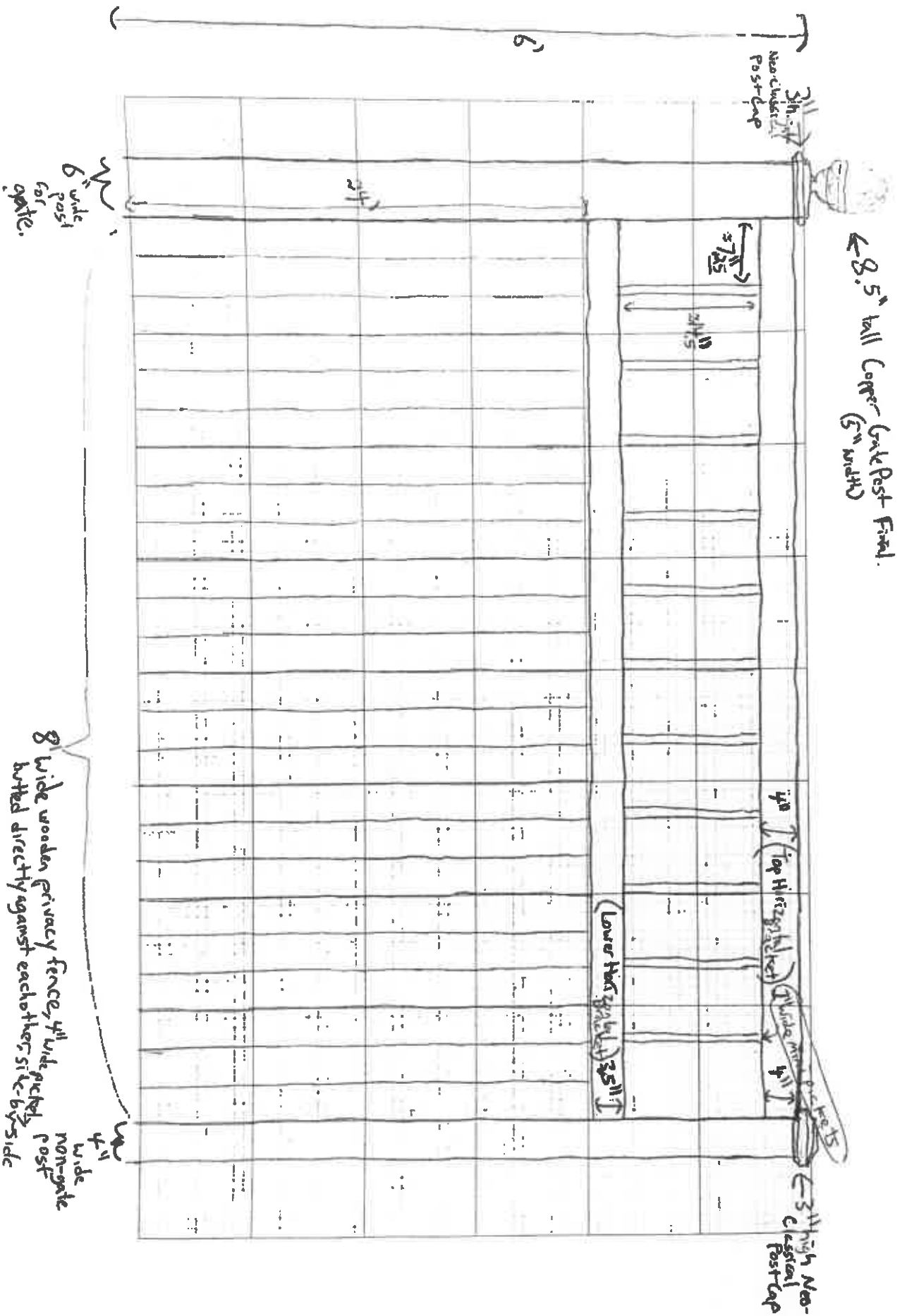
Some Examples of Fencing in Homes of Period showing split level with lower dense slats and lower dense or abutted slats, as well as posts caps of similar Square Neo-Classical design. [14] [15] [16]

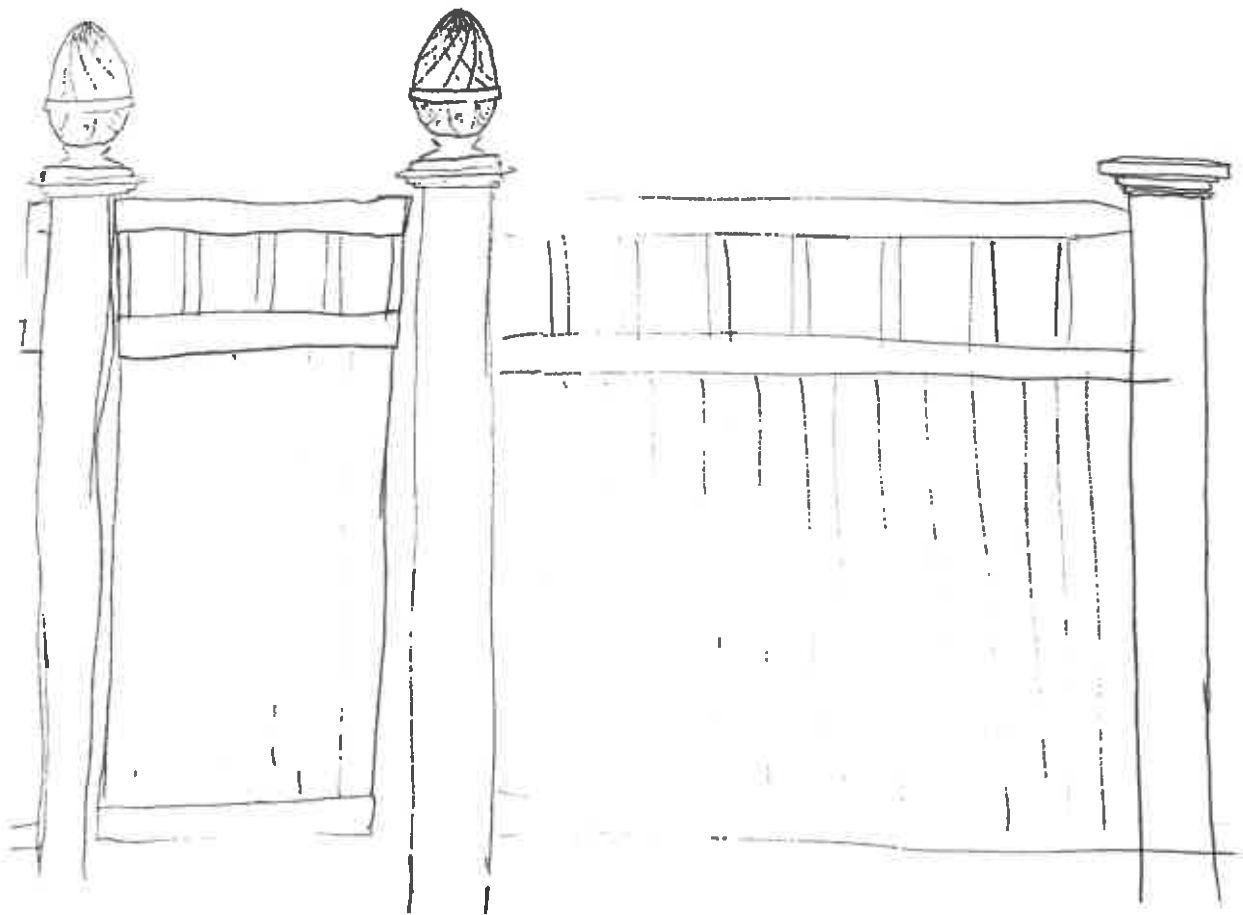
The nearest example of a privacy fence on Washington Street is on the next block up, at 411. [17] [18] [19] It has a 6' privacy fence, mono-tone, white. Slat are butted against eachother and run 5.5'high. (Mine are to butted against eachother but only going 4' high until we reach the detailed design of the upper fence, and will be in two tone, the critical slats of the lower and upper sections being painted a historic color matching the shade of the house and the posts, post caps and trim being painted a bright historic white.)

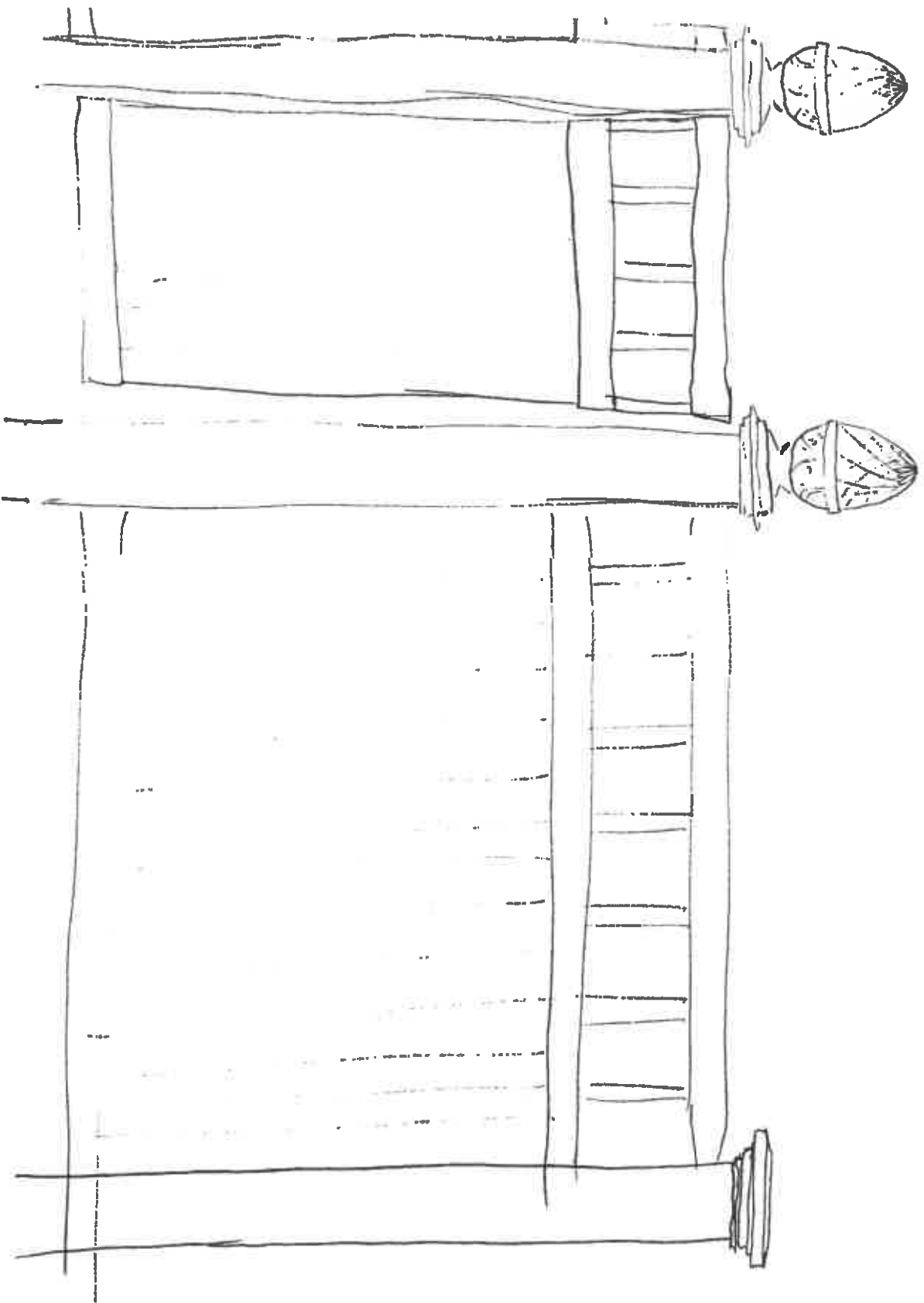
Summary:

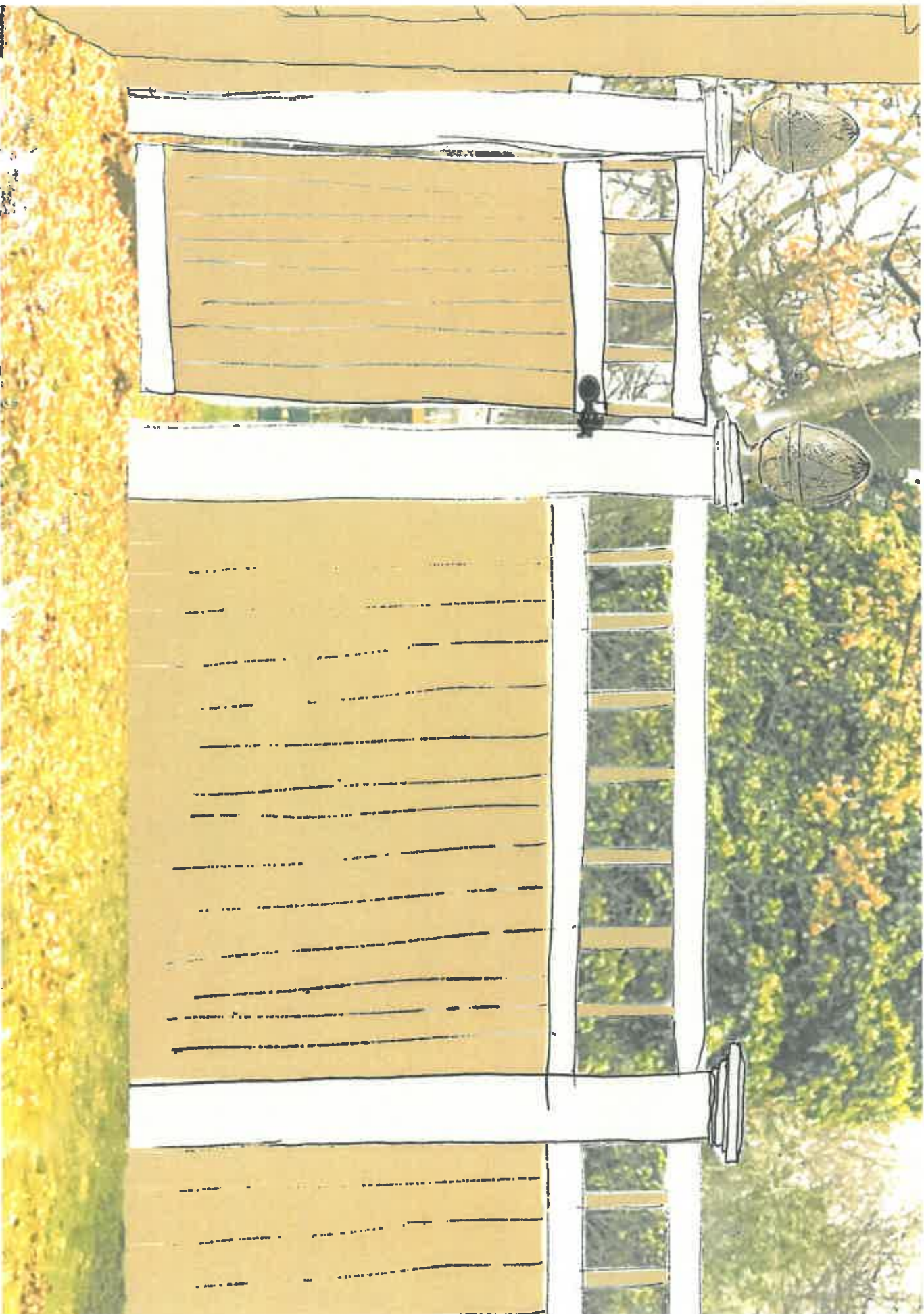
Thank you for your review. Please contact me with any questions and I will get back to you asap. I would like to beautify the property and street while keeping my family safe, with this fencing being a personal requirement for ensuring a safe family life and our investment into the neighborhood, particularly with a new rehab clinic/office being a half block away. I have great pride in Cumberland and our home on Washington Street and intend to make this fence a welcome

addition to our city's architectural legacy.









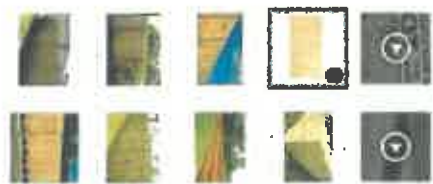
Washington Street View

8. Elevation. Fence Installed.jpg





Wooden 4' panel - Washington Street Elevation



Severe Weather Pressure Treated Pine Dog Ear



↳ dog ear (side and rear elevations)
wooden panel

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- Rust Resistant Powder-Coated Finish
- Authentic Historic Design
- Reversible for Left or Right Handing

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Style

Colonial / Classical / Victorian / Romantic

Item Sold As

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Included Hardware

Matching Slotted Screws

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3 to 5 Business Days [More Info >](#)

Warranty

5 Year Warranty

No Reviews [Write the First Review](#)
[Read Product Questions & Answers](#)

Quantity: 1

Item #: RS-01JW-088497

Price: \$36.99



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Interior Bird Houses

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PCD Stainless

View all brands



Home / Products / Post Caps / Copper Pineapple Finial Post Cap - Screw Base

Search

PCD Copper Copper Pineapple Finial Post Cap - Screw Base



\$37.95

SKU:

CPPNB-LG

Availability:

Normally ships within 48 hours

Shipping:

Calculated at checkout

* Available Sizes:

5x5 or 6x6

Quantity:

Quantity input field showing '1' and a dropdown arrow.

6 in. x 6 in. Wood Flat Fancy Post Cap





3002-10

NATIONAL TRUST FOR
HISTORIC PRESERVATION

NATIONAL TRUST FOR
HISTORIC PRESERVATION

3002-10A
Warm Buff

3002-10B
Filoli Antique Lace

3002-10C
Churchill Hotel Ecrú

2. Porch. Neo Classical with Italianate Square Columns and Tops instead of more intricate and fancy Classical or Victorian swirled tops.JPG

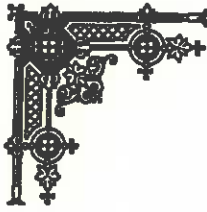




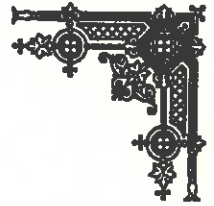


5. Elevation, Current Side Yard and House.jpg





City of Cumberland



Presentation of Information
By Kathy McKenney
309 Washington Street
Contact: Sean Cooney

Certificates of Appropriateness applications have been received for the proposed installation of a privacy fence on the front, side, and rear yard of the structure extending into the adjacent lot. Since the lot on which the structure is built and the adjacent lot are on separate tax account numbers, the City of Cumberland provided an option to the owner to either combine the two lots onto one tax accounts or to apply for two separate permits (one for each lot). The owner preferred to apply for the separate permits so there are two distinct COAs in the meeting packets but both contain the same documentation.

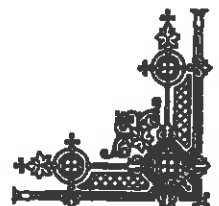
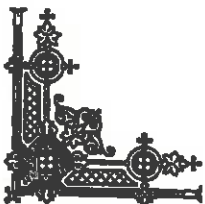
In addition to the attached sketches, the applicant has provided a narrative to define the various components of the project. The proposed design of the fence varies in style according to the location in which it is to be placed. The section that fronts Washington Street has been designed using 4' x 8' pressure treated wood fence panels. Instead of the factory dogear finish, design elements will be added to the top of the fence to lend a more decorative finish. The applicant defines these features as "neo-classical elements". As shown on the attached sketches, these include installing two 4" x 8' wooden rails spaced 2' apart above the top of the fence panels. One-inch wide balusters will be placed between the rails and spaced approximately 7" apart. Each panel will be affixed to 6"x 6" x 6' posts finished with a 6"x 6" wood post cap (as shown in the application) and topped with a copper finial in a pineapple design. The wooden panels and vertical balusters will be painted "Fioli Antique Lace" (#3002-10 B) from the Valspar paint line (a color that matches the house). The trim pieces will be painted white. This design will extend thirty-eight feet across the front yard along Washington Street. A three-foot gate matching the same style and specifications will be placed closest to the structure at the left side of the vacant lot.

The fence that is proposed for placement along the 150' of the side yard as well as along the rear of the property (areas that are not very visible from the public right of way) will consist of a 6' x 8' pressure treated wood panel fence that will not feature the ornamentation that is proposed for the front yard.

The section of the Preservation Guidelines that pertain to this application is Guideline 62: Fences (Chapter 5 page 113)



CUMBERLAND HISTORIC PRESERVATION COMMISSION
57 N. Liberty Street
CUMBERLAND, MARYLAND 21502





EXISTING CERTIFICATE OF APPROPRIATENESS REQUEST FOR CHANGE/AMENDMENT

Certificate of Appropriateness #: 862

Property Owner: Mr. Sean Cooney

Original Approval Date: January 9, 2019

Project Address: 309 Washington Street

Property Number: 06026060

Change/Amendment Review Date: February 12, 2020

The request for a change/amendment to the original review includes the following scope of work: "after the fact" modifications to the originally approved scope of work/design for a new fence at this location. All fence panels have been installed in front of the posts. The original design spaced the panels between the posts leaving the posts visible between the panels. The property owner has provided the attached emailed explanation for the reasons the fence was not constructed according to the approved design.

The request was:

DENIED
APPROVED AS SUBMITTED
APPROVED, SUBJECT TO THE FOLLOWING
CONDITIONS

APPROVED with the following conditions:

Signed:

HPC Chair

HPC Secretary

NOTE: Please note that the approval listed above only constitutes the approval of the Historic Preservation Commission. You must still ensure that all other permits associated with this project, if required, have been applied for and approved by the Building and Zoning Officer.



Kathy McKenney <kathy.mckenney@cumberlandmd.gov>

Re: 309 Washington Street Fence

1 message

Sean Cooney <sean@silversound.us>

Tue, Jan 28, 2020 at 3:47 PM

To: Kathy McKenney <kathy.mckenney@cumberlandmd.gov>

Hello Kathy and Historic Preservation Commission members,

Thank you for reviewing my updated fence specifications for the front yard fence of 309 Washington Street.

The fence was installed by local fence contractor, Upright Fence Co. While they had the same plans as per our specs from 2019, they ran into certain unexpected challenges to overcome to create this fence given the environmental challenges uncovered in the landscape. The yard goes through a substantial variance of elevation along the fence line. It is a low point between the two houses (and over an underground rainwater drain line) and therefore generates a great deal of rain-water flow, leading to largely wet soil, with a tree creating a raise in height and a bumpy ground line. Also the side yard on whole has a substantial slope that became more noticeable as the area was cleared and prepared.

To achieve a stable, sturdy, long-lasting fence that would be able to withstand the ongoing changing environmental challenges (excessively soft and wet soil, moving tree roots and a big slope with multiple dips in height), the fence contractors built the fence posts with large supporting beams behind the fence pickets attached to the fence posts [Figure A]. This is *instead of* brackets attaching thin fence picket rows to the sides of the posts which was in my submitted drawing [Figure B]. The plan as drawn would have led to the long posts (of varying height and along a slope, undergoing changing underground root pressure and heavy seasonal water saturation) having movement and creating fence pickets that change in position or pop off, and leaving a fence line that could easily be knocked over with an impact or heavy gusts of wind.

The reinforced fence they installed led to a large supporting beam along the top of the fence line, which was able to act as a long line of trim along the top, useful in hiding the large ground slope that the fence was overcoming. So along the trim line that is at the top of the pickets, this trim piece is thickened to accommodate, which meets the fence door, which was created with heavy duty bracket hinges, and handle that can withstand a 45 pound wood door swinging and shutting. [Figure C].

The end result is a stable, attractive fence that will enhance the visual landscape of Washington Street, which is historically appropriate and achieves my original intent. I am proud to have created a safe lawn for my children to grow up in, and improved my property with a fence that emulates my examples and originally approved design with a few adjustments that had to be made upon installation to ensure a stable fence for decades to come.

Please feel free to ask me any questions.

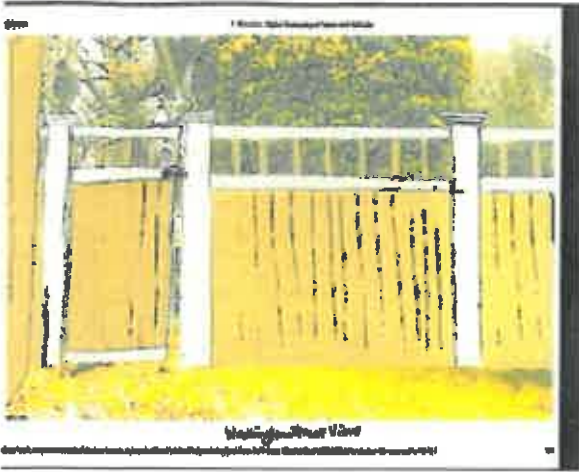
Thank you very much for your review.

Warm Regards,
Sean Cooney

On Tue, Jan 21, 2020 at 1:01 PM Kathy McKenney <kathy.mckenney@cumberlandmd.gov> wrote:
Sean,

As a follow up from our conversation last week, I am writing to obtain more information from you as to why the recently installed fence at your property was not constructed consistent with your submitted specifications which were utilized by the Historic Preservation Commission to review your Certificate of Appropriateness application. Please send this information to me either by email or written letter by January 30th so that it can be presented to the Historic Preservation Commission.

Thank you,
Kathy



Kathy McKenney

Community Development Programs Manager

City of Cumberland

57 North Liberty Street

Cumberland, MD 21502

301-759-6431 (phone)

301-759-6432 (fax)

www.ci.cumberland.md.us

3 attachments



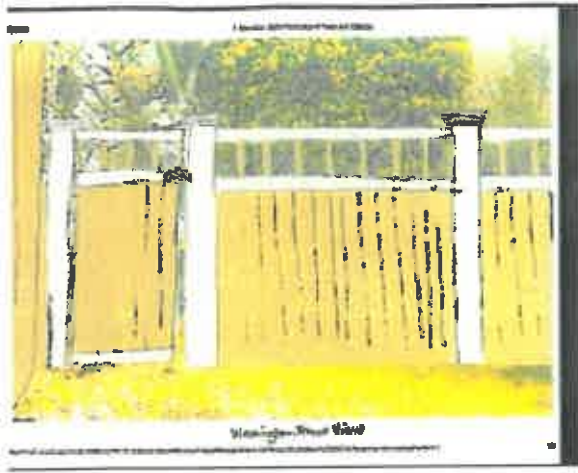
A.JPG
2589K

B.png
102K



C.JPG
4345K



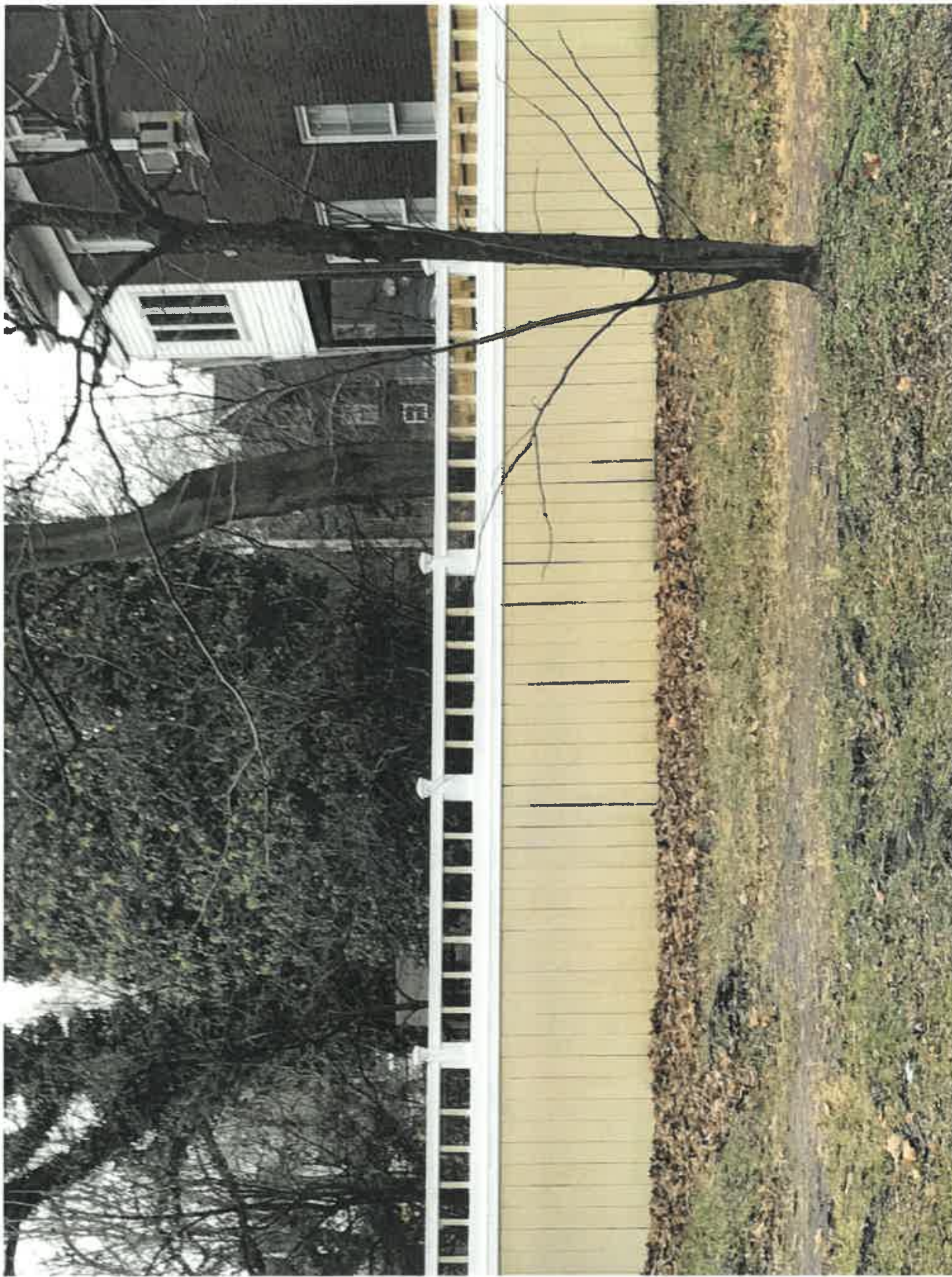


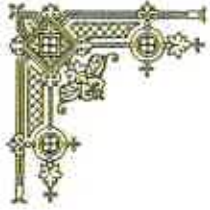


Washington Street View









City of Cumberland



Presentation of Information

By Kathy McKenney

309 Washington Street

Request for Change/Amend COA862 and COA863

Contact: Sean Cooney

Requests for a Change/Amend to Certificates of Appropriateness #862 and #863 have been prepared for an "after the fact" review of modifications to the approved design that the Historic Preservation Commission considered at the January 9, 2019 meeting. A copy of each original Certificate of Appropriateness and the approval letters have been provided in the meeting packets. As a reminder, two separate Certificates of Appropriateness were issued since two separate tax account lots of record were part of the overall project.

These modifications were made without consultation to staff or to the Historic Preservation Commission. An email has been provided from the property owner to help detail the reasons for these modifications.

The specific area where the completed project is not consistent with the approved design relates to the posts. All fence panels have been installed in front of the posts. The original design spaced the panels between the posts leaving the posts visible between the panels. The property owner has provided the attached emailed explanation for the reasons the fence was not constructed according to the approved design.

The original conditional approval was as follows:

Exterior improvements are to include: the installation of a new fence along the perimeter of the property lines. The design of the fence varies in style according to the location in which it is to be placed, as detailed in the submitted documentation. The section that fronts Washington Street has been designed using 4' x 8' pressure treated wood fence panels. Instead of the factory dogear finish, design elements will be added to the top of the fence to lend a more decorative finish. As shown on the attached sketches, these include installing two 4" x 8' wooden rails spaced 2' apart above the top of the fence panels. One-inch wide balusters will be placed between the rails and spaced approximately 7" apart. Each panel will be affixed to 6" x 6" x 6' posts finished with a 6" x 6" wood post cap (as shown in the application) and topped with a copper finial in a pineapple design. The wooden panels and vertical balusters will be painted "Fioli Antique Lace" (#3002-10 B) from the Valspar paint line (a color that matches the house). The trim pieces will be painted white. This design will extend thirty-eight feet across the front yard along Washington Street. A three-foot gate matching the same style and specifications will be placed closest to the structure at the left side of the vacant lot.



CUMBERLAND HISTORIC PRESERVATION COMMISSION
57 N. Liberty Street
CUMBERLAND, MARYLAND 21502



The fence that is proposed for placement along the 150' of the side yard as well as along the rear of the property will consist of a 6' x 8' pressure treated wood panel fence that will not feature the ornamentation that will be placed along the front property line.

The application was:

DENIED

APPROVED AS SUBMITTED

APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS

APPROVED with the following conditions: that the sides of the fence that are visible from the Public Right of Way be painted with the same colors used for the panels that front along Washington Street as detailed above.

The section of the Preservation Guidelines that pertain to this application is Guideline 62: Fences (Chapter 5 page 113)

Item Attachment Documents:

6. 36 Greene Street - Allegany Counseling and Consulting Services - Request for "After the Fact" Approval of New Signs – Doug Macy, applicant

CERTIFICATE OF APPROPRIATENESS

See attached for information which may be requested by the Historic Preservation Commission, as deemed necessary.

LOCATION: 36 GREENE ST

OWNER: MACY JOYCE B

TENANT: MACY JOYCE B

Applicant

DOUG MACY

475 WILLIAMS ST

CUMBERLAND

MD 21502

File Date: 1/02/2020

Wrk Description Commercial sign

1 Filing Fee

30.00

TOTAL AMOUNT:

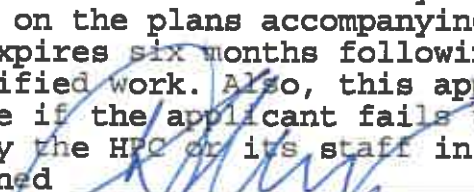
30.00

Project description: Two signs at front of building. 28"X19" hanging sign to replace current signage with existing bracket. Material is 1/2" composite sign board with vinyl wrap and has 8' clearance underneath. Vinyl signage on glass of door measures 14"X10" and will be attached to front side of glass. Drawing and renderings are attached.

Subject: However to revocation by the HPC in the case the afore named construction is not in compliance with the requirements of the City Ordinance relating to Historic Preservation, especially Ordinance No. 3208.

H.P.C. Chairman

H.P.C. Secretary

Statement: I hereby agree to comply with all regulations which are applicable hereto, and further agree that the proposed work shall be faithfully carried out as described on this request and as shown on the plans accompanying same, and not otherwise. This application hereby expires six months following the file date if no action is taken to start specified work. Also, this application will expire six months following the file date if the applicant fails to provide additional information as requested by the HPC or its staff in order for the Commission to render a decision. Signed 



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

January 3, 2020

Mr. Doug Macy
475 Williams Street
Cumberland, MD 21502

Re: 36 Greene Street

Dear Mr. Macy:

I am writing in reference to the application that you submitted on January 2, 2020 for a Certificate of Appropriateness permit. Unfortunately, the application cannot be processed for this month's meeting since the Department of Community Development has not received an application for an Occupancy Permit which is the first step in the permitting process. Also, please clarify the measurement of the projection of the sign bracket from the face of the building. Unfortunately, since your application is incomplete, it will be withdrawn from the January 8, 2020 Historic Preservation Commission meeting agenda.

The deadline to be included on the next Historic Preservation Commission meeting is February 5, 2020. Please provide the information needed to complete the application process on or before that date.

Thank you for your attention to this matter and we look forward to helping you to complete the application processes. If you have any questions, please contact me at 301-759-6431 or kathy.mckenney@cumberlandmd.gov.

Sincerely,

Kathy Mckenney
Community Development Programs Manager

Cc: Debbie Helmstetter

MAYOR
RAYMOND M. MORRISS

COUNCIL
SETH D. BERNARD
RICHARD J. CIONI, JR.
EUGENE T. FRAZIER
LAURIE P. MARCHINI

CITY ADMINISTRATOR
JEFFREY D. RHODES

CITY CLERK/ASST.
CITY ADM.
MARJORIE A. WOODRING

CODE COMPLIANCE
MANAGER
KEVIN R. THACKER

COMM. DEV. PROGRAMS
MANAGER
KATHY MCKENNEY



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)759-6456 • FAX (301)759-6432 • TDD (800)735-2258



City of Cumberland

Administrative Review HP Commission Review

Department of Community Development • 57 N. Liberty Street • Cumberland, MD 21502 • www.cumberlandmd.gov
301-759-6431 • Fax 301-759-6432 • kathy.mckenney@cumberlandmd.gov

CERTIFICATE OF APPROPRIATENESS PERMIT APPLICATION

For ALL exterior changes to a structure (including painting), design and maintenance issues within the City's Preservation District. Including but not limited to additions, alterations, awnings, entrances and doors, painting, porches, fences, siding, signage, window replacement, demolition, and new construction.

Project Location 36. Greenc Et Tax ID # 06 - 037867

The Tax ID # can be found on your deed or by visiting www.dat.state.md.us / Real Property / Real Property Search. When construction is being done and several property account numbers are involved, permit must fall under account of the main structure referencing other accounts (or a separate permit will be required per each property of record). It will be necessary to contact the State of Maryland Assessment Office, 112 Baltimore Street, Gateway Center, 301-777-2113, prior to applying for permit in order to obtain documentation required for the new Tax Account Number.

Application Date 1/2/20 3:55 p.m. COA # 890

Applicant Name Doug Macy Phone

Address 475 Williams St. City

Fax _____ Email dmacy1e@icloud.com

Contractor Name _____ Phone _____

Address _____

Email _____

Summarized Description of Project (see attached) 2 signs. front door glass vinyl. Hanging sign to replace current. Drawings + Renderings attached.

Attach a full written scope of work

Attach photographs of the site and structure

- Include:**
- Façade Elevations
 - Sample of Proposed Materials
 - Scaled Drawings
 - Digital Renderings, when available
 - Color Scheme/Paint Chips
 - Manufacturer's Cut-Sheets or Product Specifications

Provide one (1) complete original copy of all supplementary materials.

Pay a non-refundable Certificate of Appropriateness review fee of \$30.00 - payable at time of application.

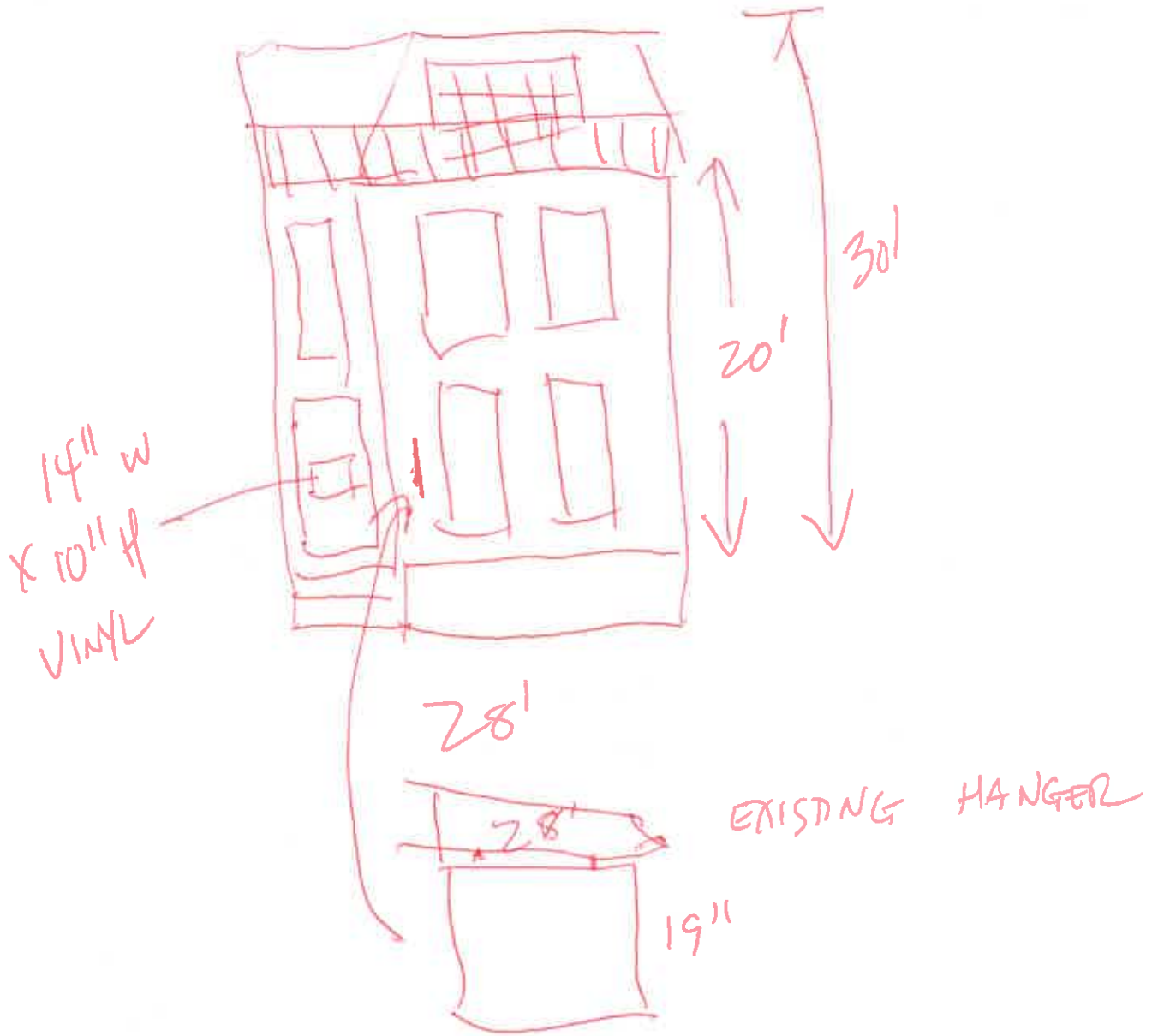
Apply for relevant Building and Occupancy Permits through the City *(fees apply)*

The HPC meets the second Wednesday of each month and complete applications are due the first Wednesday of each month before 4:00 p.m. You (or a representative) are required to attend the meeting scheduled for your COA review.

Preservation Guidelines *(Updated 1/1/16)* can be found on the City of Cumberland website at www.cumberlandmd.gov.

Do not begin work until written approval is received from the Community Development Programs Manager. If the project requires additional building or occupancy permits, all applicable permits must also be approved.
An Occupancy, Building or Sign permit application may be required for this application and approval to be considered complete. Those permits are approved by the Code Compliance Manager or designated representative.

36 Greene St



14" w
x 10" h
VINYL

28'

EXISTING HANGER

1/2" COMPOSITE SIGN BOARD
VINYL WRAP



28" W
19" H

8' +
Clear
UNDER



14" W
X 10" H
VINYL
ON
OUTSIDE
OF
GLASS









City of Cumberland

Presentation of Information

By Kathy McKenney

Allegany Counseling and Consulting Services

36 Greene Street

Contact: Doug Macy

An application for a Certificate of Appropriateness has been requested “after the fact” for the review of two new signs that have been installed at this structure for a change in the occupant and name of the business. A hanging sign measuring 28” x 19” has been attached to an existing bracket at the site. The bracket was approved in March 2007 (COA#378). The sign is made of a composite material that is wrapped in vinyl.

The second sign has been placed on the exterior of the glass on the front entrance door as shown on the attached photographs. The sign is made from vinyl and measures 14” x 10”. No additional lighting has been installed or has been proposed.

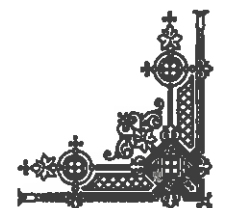
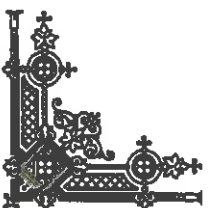
The sections of the Preservation Guidelines that pertain to this application are Guideline 46: Sign Placement; Guideline 47: Sign Size (Chapter 5, Pages 102-103)



CUMBERLAND HISTORIC PRESERVATION COMMISSION

P. O. BOX 1702

CUMBERLAND, MARYLAND 21501-1702



Item Attachment Documents:

8. Avirett Place Columns Local Designation Survey Review/Recommendation



City of Cumberland Historic Structure Survey Form

This form is for use in making recommendations for individual properties and districts. If any item does not apply to the property being documented, enter "N/A" for "not applicable."

1. Name of Property

Historic name: Avirett Place Columns

Other names:

2. Location

Street & number: Corners of South Allegany Street and Avirett Avenue

3. Local Certification

As the designated authority under Ordinance 3208 and chair of the Cumberland Historic Preservation Commission, I hereby certify that the Historic Preservation Commission recommends to the Cumberland Mayor and City Council that this property is historically significant and should be designated as such under local law.

Does not recommend this property should be designated under local law.

The Mayor and City Council concurs does not concur with the recommendation of the Cumberland Historic Preservation Commission.

Signature of certifying official/Title

Date

4. Classification

Ownership of Property

- Private ✓ Two of the larger of the four columns are located on private property – one each on 420 Avirett Avenue and on 400 South Allegany Street
- Public-local ✓ Two of the smaller of the four columns are located within the public right of way on the opposite sides of South Allegany Street at the Avirett Avenue intersection
- Public-State
- Public-Federal

Category of Property

- Building(s)
- District
- Site ✓
- Structure
- Object

Number of Resources within Property

Contributing

Noncontributing

| | | |
|------------|-------|-------|
| Buildings | _____ | _____ |
| Sites | _____ | _____ |
| Structures | _____ | _____ |
| Objects | 4 | _____ |
| Total | 4 | _____ |

5. Function or Use

Historic Functions

Appear to have served as an entrance to Avirett Place and would have separated the Rose Hill residence from the Avirett Place subdivision when it was developed c. 1920.

Current Functions

Ornamental. One column now features an informational plaque about the historic landowner, Captain David Lynn

6. Description

Architectural Classification

Freestanding mortared stone columns

Materials

Foundation Stone with some concrete repair/replacement

Walls Mortared Stone

Roof N/A

Other

Summary Statement of Significance:

The Rose Hill Estate David Lynn
Enter Rose Hill 1965 info here and references
Next list Avirett Place Subdivision 1919
Street Closures 1921
Map from engineering showing when columns first appear on maps
Documents from SHA

According to the Historic American Building Survey completed by Ms. Hazel Groves Hansrote on October 16, 1969 now on file with the Maryland Historical Trust (AL-IV-A-084), the Rose Hill mansion was constructed in 1801 by Captain David Lynn who, as a Revolutionary War soldier, was provided 50 acres of land according to an Act passed by the General Assembly in Maryland in 1777 to all soldiers who had served three years.¹ According to the US GenWeb Archives, the General Assembly passed another act in 1781 which reserved “all the vacant lands in the State westward of ‘Fort Cumberland’ for the soldiers.”² The structure was known as the third brick house built in Allegany County³ and the oldest brick house in Cumberland. The estate, also known as Rose Hill, stretched from “the Potomac River on the South to the Cumberland Narrows on the North, then on the outskirts of Cumberland...”⁴ The house, referred to in Thomas and Williams’ History of Allegany County Volume 1 as “perhaps the most picturesque old home today in Cumberland” (Figure 1) was situated on approximately six acres of land.⁵

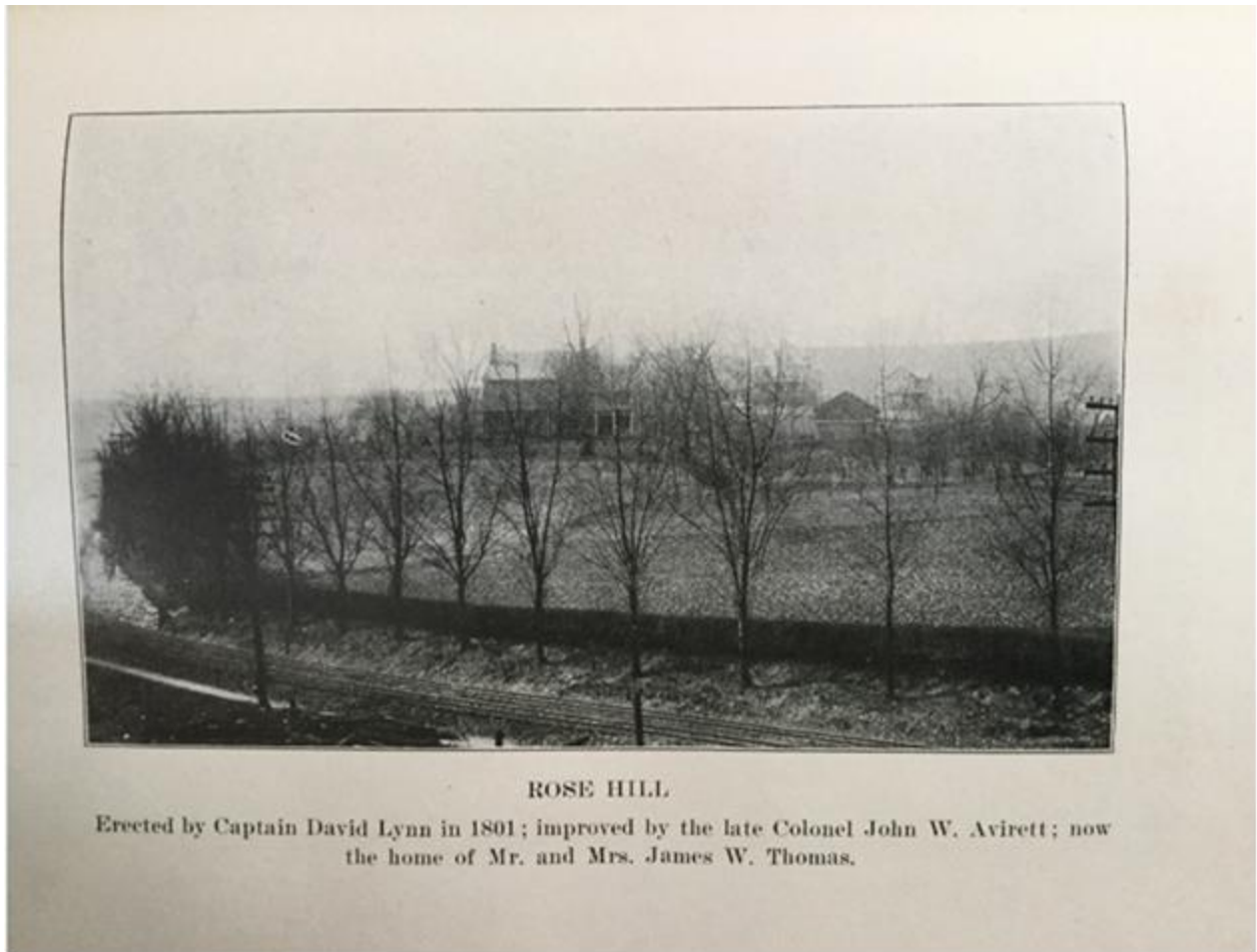
¹ Maryland Historical Trust, Maryland Inventory of Historic Properties “Avirett Place, Cumberland (AL-IV-A-084) <https://mht.maryland.gov/mihp/MIHPCard.aspx?MIHPNo=AL-IV-A-084> (accessed February 5, 2020).

² “Military Lots for Revolutionary War Soldiers, Allegany County Maryland” <http://files.usgwarchives.net/md/allegany/land/millots.txt> (accessed February 5, 2020).

³ History of Allegany County Maryland, James W. Thomas, LL.D. and Judge T.J.C. Williams, Volume 1, Publishers L.R. Titsworth & Company, 1923, pg.784.

⁴ Ibid, page 450.

⁵ Ibid.



History of Allegany County Maryland, James W. Thomas, LL.D. and Judge T.J.C. Williams, Volume 1, Publishers L.R. Titsworth & Company, 1923, pg.451

Figure 1

Following the passing of Captain Lynn in 1835, his descendants continued to own the property until 1904 when it was purchased by Colonel John W. Avirett who was the founder of the Cumberland Evening Times.⁶ Following the acquisition of the property by Mr. Avirett, it became known as The Avirett Place. According to Thomas and Williams, the remaining portion of the Rose Hill Estate was known as the Rose Hill Addition to Cumberland, Maryland.⁷

On May 25, 1967, the three remaining parcels of the Rose Hill estate, including the original house transferred ownership from James A. Avirett and Sarah Avirett to the State Roads Commission of Maryland and the structure was subsequently demolished.⁸ This

⁶ Western Maryland Historical Library (WHILBR) scan "Tableland Trails: A Quarterly Magazine Devoted to the History, Folk-Lore and Cultural Interests of the Tri-State Area"
<http://whilbr.org/Image.aspx?photo=gctt045s.jpg&idEntry=6885&title=Local+landmarks+page+5>
(Accessed 2/6/20).

⁷ Ibid.

⁸ Allegany County Land Records, Liber 408 Folio 117

was due to the alignment of the new Route 48 interstate that was to be constructed. A copy of the "as built" drawing of this section that was prepared by Green Associates, Inc. Consulting Engineers of Baltimore, Maryland for the State Roads Commission on 7/28/1967 is shown in Figure A.

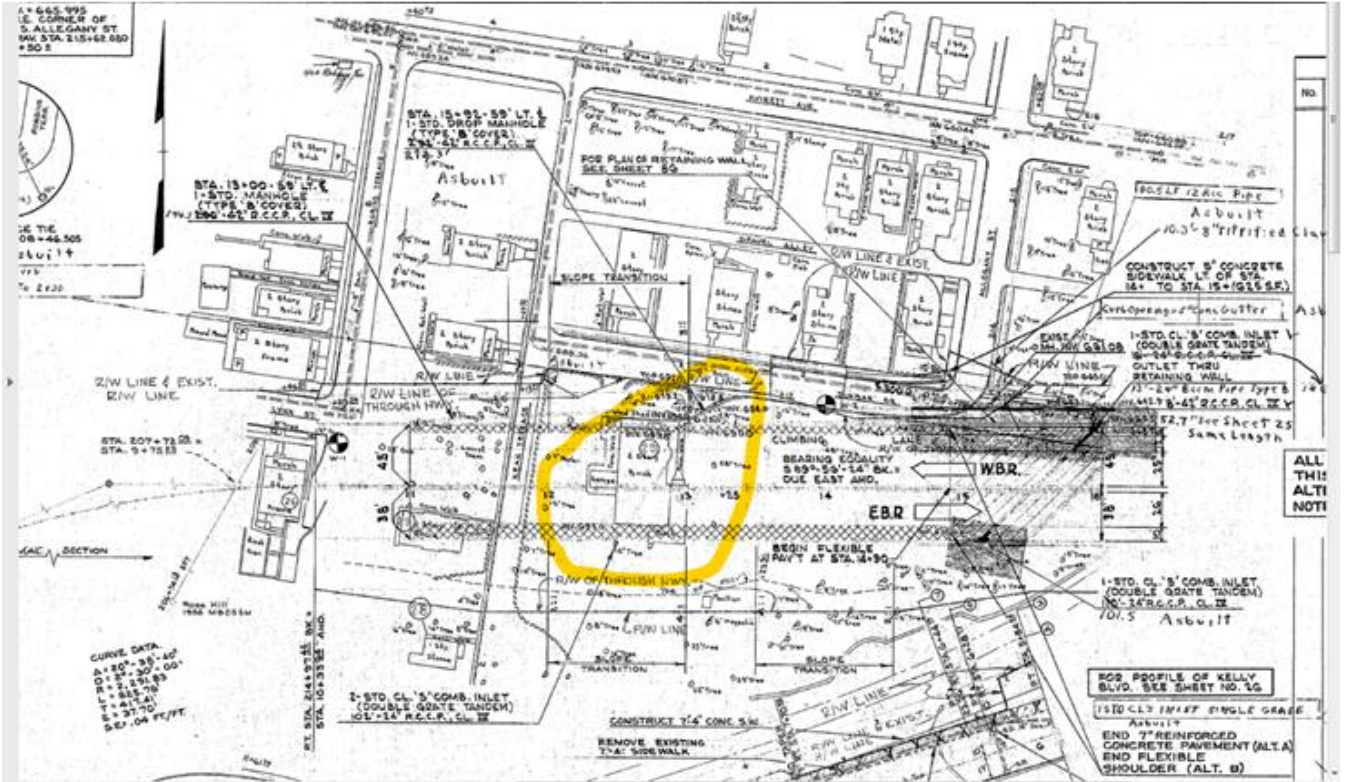


Figure A.

In 1921, the Avirett Place Subdivision was recorded in the land records of Allegany County. This was a subdivision of the Rose Hill Addition into smaller building lots as shown on the subdivision map (Figure 2 and Figure 3) of this document.⁹ Between June of 1922 and November of 1925 forty two building permits were filed with the City of Cumberland for construction projects within the boundaries of the Avirett Place Subdivision.¹⁰

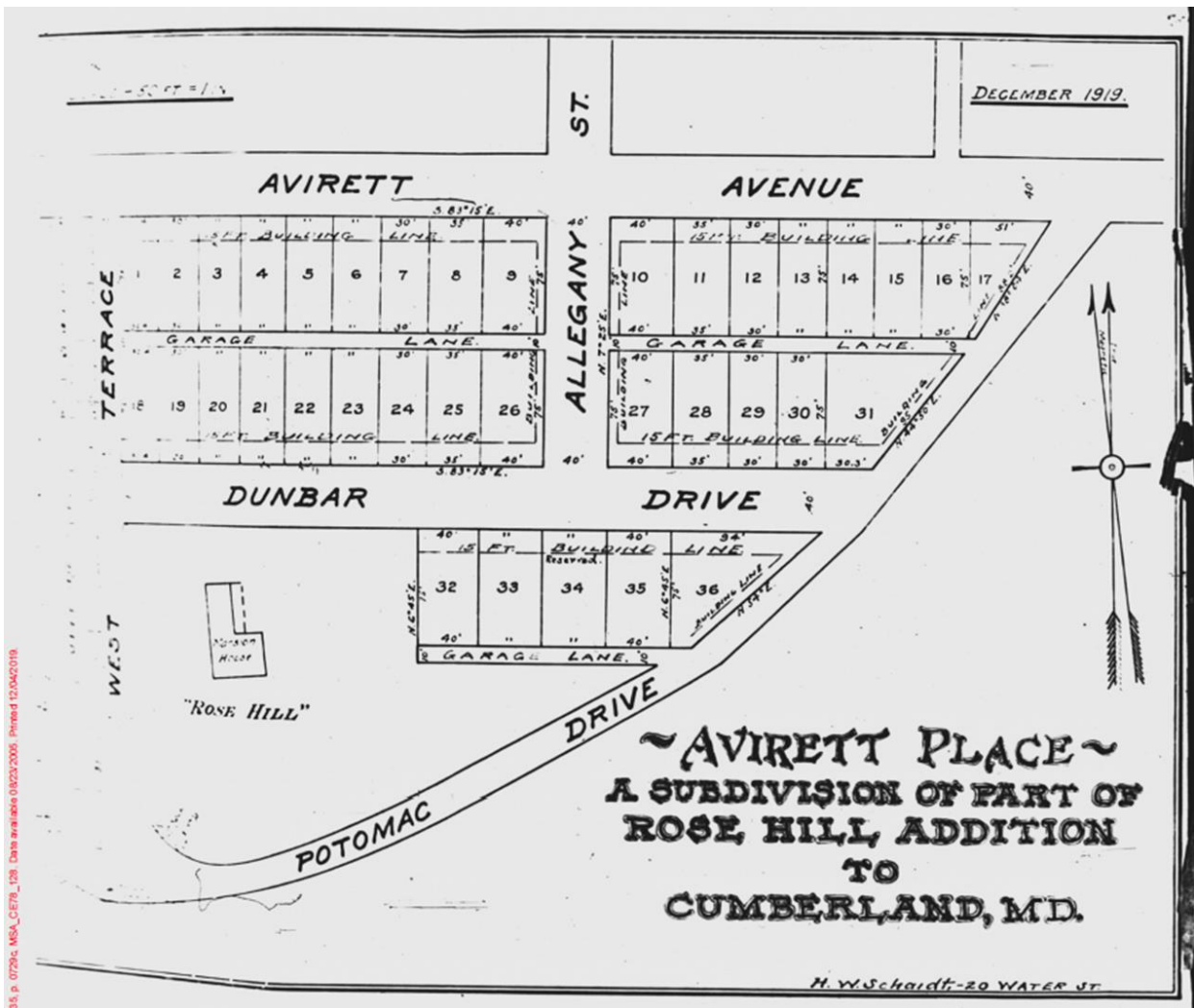


Figure 2

⁹ Allegany County Land Records, Liber 135 Folio 729, Avirett Place Plat, 1921

¹⁰ City of Cumberland, Department of Community Development, "Building Permit List 1901-1925), unpublished.

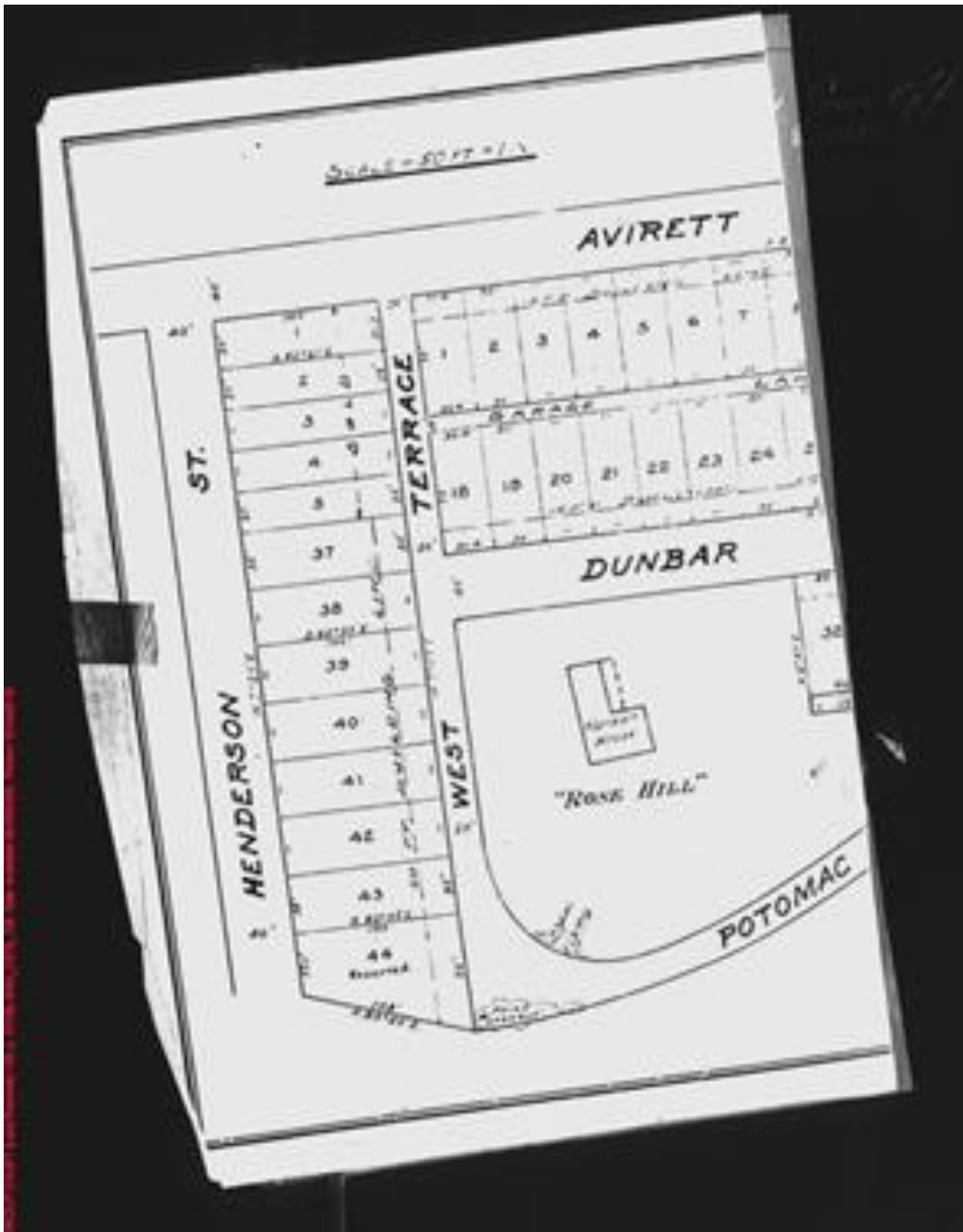


Figure 3

The columns first appear in City of Cumberland records in 1928 on a map (Figure 4) entitled, Allegany St. Paving Plan: Avirett Ave to Dunbar Drive¹¹.

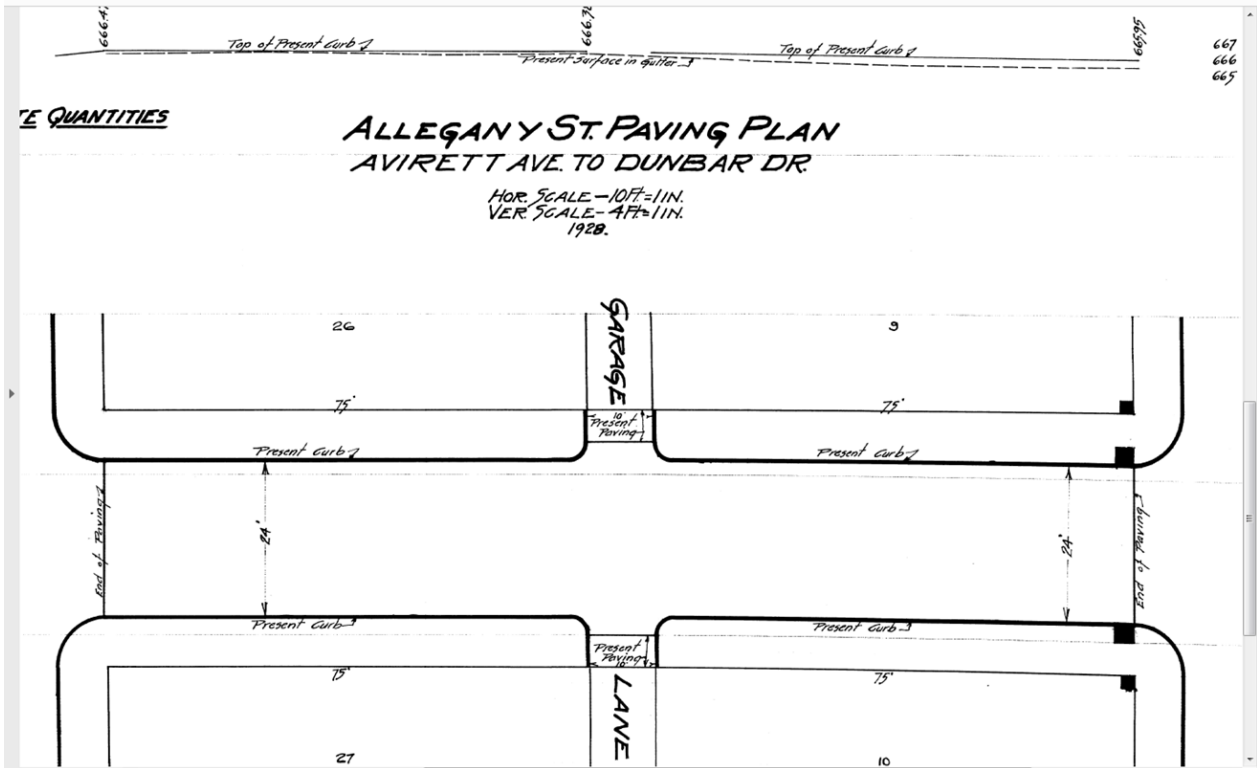


Figure 4

There are four columns in total, two on each side of South Allegany Street at its intersection with Avirett Avenue. (Figures 5a and 5b). All are constructed of mortared stone block with a masonry cap and centrally-placed urn. For each set of columns, the innermost column is situated in the public right of way adjacent to the roadbed. The outer column is located on private property. The privately situated column at 420 Avirett Avenue measures 60” high by 27 ¾” square with a cap measuring 32 ¼” square by 7 ½” high. It is situated on a stone base adjacent to the sidewalk intersection (Figure 6).

A larger column is situated in the public right of way on this same side of the road. This column measures 84” high by 36” square with a masonry cap measuring 44” square by 8” high and topped with an urn. This particular column is situated on a concrete pad of much later construction that measures 39 ½” square by 3 ½” high. It appears that this base was later retrofitted with this contemporary pad when the concrete sidewalk radii was constructed to provide improved accessibility and detectable warning pads for the disabled. (Figure 7).

¹¹ Allegany Street Paving Plan: Avirett Ave to Dunbar Drive, City of Cumberland Department of Engineering records, 1928

A similar large column is located on the other side of South Allegany Street in the public right of way near 400 South Allegany Street. This column measures 80" high by 36" square with a masonry cap that measures 44" square and 8" high with a similar urn affixed to the top. The base of this column is a blend of stone and concrete. It appears that the concrete was utilized to level the column when a more modern sidewalk was installed. In 2008, the Cumberland Historic Cemetery Organization installed an interpretive plaque on this column to provide information about Captain David Lynn and Rose Hill. (Figure 8)

Another smaller column is located on the private property of 400 South Allegany Street. This column measures 61 1/2" high by 26 1/2" square. As with the other columns, it features a masonry cap which measures 32" square by 8" high and is topped with an urn. It is situated on a stone base adjacent to the sidewalk intersection (Figure 9)

On each of the two larger columns, the second course of stone from the top have been engraved with "Avirett Place". (Figure 10) This, along with the 1928 Paving map would appear to indicate that the columns are contemporary with the Avirett Place Subdivision, placing their construction approximately between 1921 and 1928. It is therefore from the subdivision from the original larger Rose Hill estate that was subsequently subdivided into the Avirett Place that the subject stone columns have gained significance.

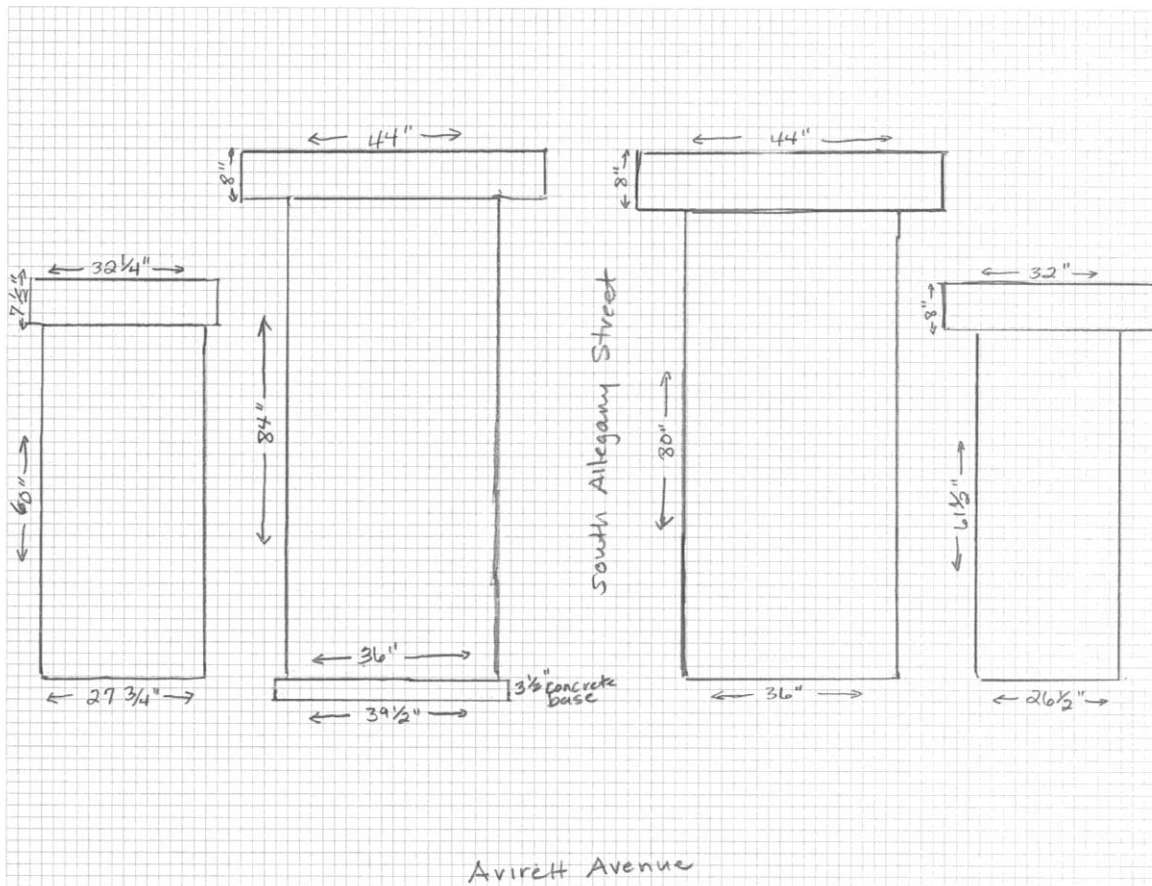


Figure 5a



Figure 5b



Figure 6



Figure 7



Figure 8



Figure 9



Figure 10

Photos by Kathy McKenney, Community Development Programs Manager, City of Cumberland

7. Form Prepared By

Name/title Kathy McKenney/Community Development Programs Manager
Organization City of Cumberland
Street & Number 57 North Liberty Street
City or town Cumberland
State MD
Zip Code 21502
Date February 4, 2020
Telephone 301-759-6431

8. Property Owner(s)

Name Edward W. Taylor, Jr.
Street & Number 400 South Allegany Street
City Cumberland
State MD
Zip 21502
Telephone 301-722-4624

Name Roberta Conn
Street & Number 420 Avirett Avenue
City Cumberland
State MD
Zip 21502
Telephone 301-724-4716

Name Mayor and City Council of Cumberland
Street & Number 57 North Liberty Street
City Cumberland
State MD
Zip 21502
Telephone 301-722-2000

Item Attachment Documents:

9. A draft of a Historic Structure Nomination form has been provided for consideration of approval. This form would be available to the public to provide suggestions for structures that should be considered for local historic designation.



CUMBERLAND HISTORIC STRUCTURE NOMINATION FORM

CUMBERLAND HISTORIC PRESERVATION COMMISSION
57 North Liberty Street, Cumberland, Maryland 21502 (301) 759-6431
kathy.mckenney@cumberlandmd.gov

This nomination form is designed to provide the Cumberland Historic Preservation Commission with the necessary information to be able to evaluate the significance of the structure for possible designation as a locally zoned historic site or structure. Staff assistance is available to answer any questions you may have in regards to this form. Please use the contact information referenced above. Structures must be located within the boundaries of Cumberland. If additional space is needed, additional pages can be attached.

Please complete all of the sections in order to provide enough information to properly evaluate the nomination. **In cases where insufficient documentation has been submitted, the form may need to be returned to the applicant so that complete information can be provided.**

GENERAL PROPERTY INFORMATION:

Property Name: _____

Property Address: _____ City: _____ Zip Code: _____

Property Owner Name & Address (if different than submitter): _____

TYPE OF STRUCTURE (Please Circle):

Building Identify each building if more than one:

Structure e.g. gate, wall, bridge:

Object e.g. mile marker, sign:

Other e.g. archeological site (if an archeological site, please attach a map indicating the area of archaeological survey):

HISTORIC BACKGROUND OF PROPERTY

| Historic use of this resource (choose all that apply) | Period of Significance | Status | Location |
|--|---|--|---|
| Agricultural Commerce Entertainment Government Industry Military Museum Park or Recreation Private Residence Religion Science Transportation Other | Prehistoric 1634-1699 1700-1799 1800-1899 1900-1970 | Occupied Unoccupied Offered for sale Under renovation Process of transfer Proposed for demolition | Original Site Moved Year moved: |

HISTORIC SIGNIFICANCE:

Please choose one or more of the following criteria being used to justify the nomination. Describe in detail how the property meets the criteria, including sources used for your justification. Please include the date of construction, names of architects or builders, and any other information that supports the nomination. Feel free to attach additional sheets if necessary.

Criteria 1. It is associated with a person, group, event, or series of events of local, state/historical importance.

Criteria 2. It is a distinctive example of a particular architectural style or period.

Criteria 3. It is a good example of the work of a noted architect or master builder.

Criteria 4. It is a work of notable artistic merit.

Criteria 5. It has yielded and will be likely to yield information or materials important in prehistory or history. (When using this criteria, please note the archaeological survey of which the area has already been Included)

CONDITION OF THE PROPERTY: (Please check all that apply)

- | | | |
|--------------------------|-----------|--------------|
| <input type="checkbox"/> | Excellent | Deteriorated |
| <input type="checkbox"/> | Good | Ruins |
| <input type="checkbox"/> | Fair | Altered |

Buildings in a deteriorated condition or ones that have been significantly altered at the time of nomination will require a site visit from staff so that the historic integrity of the property can be evaluated and reviewed along with the additional supporting historical documentation.

PHOTOGRAPHS: Along with the application, please submit current color photos of all sides of the building being nominated and any accessory structures relevant to the nomination. Please provide other photo documentation that highlights architectural features used as justification for the nomination.

NOMINATION SUBMITTED BY: *In case of a nomination that is not submitted by the property owner, it is required that the property owner be notified prior to submitting the application*

LPC Member (s) _____

Owner _____

Other _____

Mailing Address: _____

Phone Number: _____ E-Mail Address: _____

If this is a third party nomination, has the property owned been notified that an application is being submitted on behalf of their property:

Yes No If no, why not: _____

How was the property owner notified:

Letter (Please include a copy of the letter with this application)

In person/by phone Date of conversation: _____

Other _____

Is this building, site, object currently listed on the National Register of Historic Places?

Yes No

Signature (required):

CUMBERLAND HISTORIC PRESERVATION COMMISSION

57 North Liberty Street, Cumberland, Maryland 21502 (301) 759-6431

<http://www.ci.cumberland.md.us>

HISTORIC STRUCTURE NOMINATION FORM INSTRUCTIONS

- 1. General Property Information:** Enter the historic name or common name of the property, indicating which in parentheses after the name. Applicants may consult staff to determine an appropriate name, if desired. Enter the building number, name of the street, zip code and name of the locality if applicable. *(if the property has no street address, enter as precise a description of the location as possible-Example: Northwest corner of Bedford Street and North Centre Street)*

Tax Map numbers and parcel numbers may be obtained through the Maryland State Department of Assessments and Taxation. <http://www.dat.state.md.us/sdatweb/datanote.html>

- 2. Inclusion in Historic Surveys:** This information may be available within the historic sites files of the Department of Community Development or may be found through the Maryland Historical Trust. <https://mht.maryland.gov/mihp/MIHP.aspx>
- 3. Type of Structure:** Indicate what type of structure you are nominating. You may choose more than one.
- 4. Verbal Boundary Description & Justification of Historic Environmental Setting:** Please indicate the total acreage of the property. In your explanation, briefly describe the setting and include a verbal description of the location, a general description of the resource, and landscape features. The boundaries should reflect the property's historic setting and convey its historic significance. The boundary should also encompass the significant concentration of buildings, structures, objects, sites, and natural features.
- 5. Historic Background of Property:** Please indicate the period of significance (see chart above) and historic use of the resource. Please cite construction dates and any information about the architect or builder. Provide a general description of the architectural style (if known), number of stories, type and shape of roof and building materials.

Historic significance is the importance of a property to the history, architecture, archeology, engineering or culture of a community, state or nation. To qualify for the Baltimore County Landmarks List, the documentation provided should demonstrate that the property meets one of the following criteria:

- 1. It is associated with a person, group, event or series of events of local, state, or national historical importance.*
- 2. It must be a distinctive example of a particular style or period.*
- 3. It is a good example of the work of a noted architect or master builder.*
- 4. It is a work of notable artistic merit or;*
- 5. It has yielded and will be likely to yield information or materials important in pre-history or history*

0. Owner of the Property (as listed in the State property record): All property owners, including any owners not residing in Allegany County, should be listed. This information can be found online at this following link: <https://sdat.dat.maryland.gov/RealProperty/Pages/default.aspx>

Please submit historic images(and new photographs of the property. The number of views depends on the complexity and the size of the property. Photographs should focus on architectural or descriptive elements that provide a basis for the historic nomination.

If possible, please include a photocopy of the appropriate section of a U.S. Geological Survey Quadrangle Map with the location of the property circled. Approximate locations of buildings, structures, sites, and objects should be identified on the map.

Item Attachment Documents:

10. Review of correspondence and communications regarding the December 6, 2019 letter to owners of individually listed properties on the National Register of Historic Places that are not also locally designated.



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Mr. Maynard Swayne
413 Potomac Street
Bloomington, MD 21523

Re: 16 Altamont Terrace

Dear Mr. Swayne,

As the staff liaison of the Cumberland Historic Preservation Commission, I have been asked to contact you since you are the owner of a property that is individually listed on the National Register of Historic Places. The Cumberland Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a local historic designation in order to provide additional protection of these significant resources. The Historic Preservation Commission would like to receive input from you as to whether you would approve of this additional designation.

The Historic Preservation Commission is scheduled to meet on Wednesday, December 11, 2019 at 4:00 pm in the City Hall Council Chambers for their regular monthly meeting. I would like to invite you to attend this meeting, if your schedule permits, and to provide your feedback about a potential consideration of designation.

If you are unable to attend, please contact me by phone at 301-759-6431 or email at kathy.mckenney@cumberlandmd.gov or by letter at the address below. I look forward to talking with you more.

Sincerely,


Kathy Mckenney

Community Development Programs Manager

MAYOR
RAYMOND M. MORRIS

COUNCIL
SETH D. BERNARD
RICHARD J. CIONI, JR.
EUGENE T. FRAZIER
LAURIE P. MARCHINI

CITY ADMINISTRATOR
JEFFREY D. RHODES

CITY CLERK/ASST.
CITY ADM.
MARJORIE A. WOODRING

CODE COMPLIANCE
MANAGER
KEVIN R. THACKER

COMM. DEV. PROGRAMS
MANAGER
KATHY MCKENNEY



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)759-6456 • FAX (301)759-6432 • TDD (800)735-2258



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Mr. Raymond Beall
208 Decatur Street
Cumberland, MD 21502

Re: Row Houses 200-208 Deactur Street

Dear Mr. Beall,

As the staff liaison of the Cumberland Historic Preservation Commission, I have been asked to contact you since you are the owner of a property that is individually listed on the National Register of Historic Places. The Cumberland Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a local historic designation in order to provide additional protection of these significant resources. The Historic Preservation Commission would like to receive input from you as to whether you would approve of this additional designation.

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Sincerely,


Kathy McKenney

Community Development Programs Manager

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MEMBER MARYLAND MUNICIPAL LEAGUE (MML)



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Dr. James Anthony Josey
709 Frederick Street
Cumberland, MD 21502

Re: Metropolitan AME Church

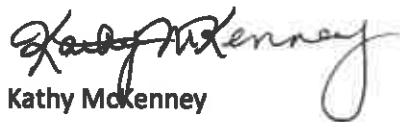
Dear Dr. Josey,

As the staff liaison of the Cumberland Historic Preservation Commission, I have been asked to contact you since you are the owner of a property that is individually listed on the National Register of Historic Places. The Cumberland Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a local historic designation in order to provide additional protection of these significant resources. The Historic Preservation Commission would like to receive input from you as to whether you would approve of this additional designation.

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Sincerely,



Kathy Mckenney

Community Development Programs Manager

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CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Mr. Jeffrey Rhodes
57 North Liberty Street
Cumberland, MD 21502

Re: 400 North Mechanic Street

Dear Mr. Rhodes,

As the staff liaison of the Cumberland Historic Preservation Commission, I have been asked to contact you since you are the owner of a property that is individually listed on the National Register of Historic Places. The Cumberland Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a local historic designation in order to provide additional protection of these significant resources. The Historic Preservation Commission would like to receive input from you as to whether you would approve of this additional designation.

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If you are unable to attend, please contact me by phone at 301-759-6431 or email at kathy.mckenney@cumberlandmd.gov or by letter at the address below. I look forward to talking with you more.

Sincerely,



Kathy Mckenney

Community Development Programs Manager

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CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Cumberland YMCA
205 Baltimore Avenue
Cumberland, MD 21502

Re: YMCA 205 Baltimore Avenue

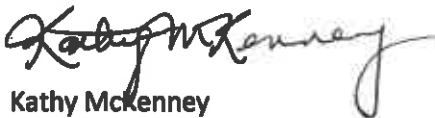
Dear Cumberland YMCA,

As the staff liaison of the Cumberland Historic Preservation Commission, I have been asked to contact you since you are the owner of a property that is individually listed on the National Register of Historic Places. The Cumberland Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a local historic designation in order to provide additional protection of these significant resources. The Historic Preservation Commission would like to receive input from you as to whether you would approve of this additional designation.

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Sincerely,



Kathy Mckenney

Community Development Programs Manager

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CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Ms. Jayne Parks
221 Baltimore Avenue
Cumberland, MD 21502

Re: Thomas Koon House 221 Baltimore Ave

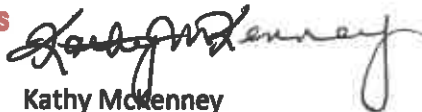
Dear Ms. Parks,

As the staff liaison of the Cumberland Historic Preservation Commission, I have been asked to contact you since you are the owner of a property that is individually listed on the National Register of Historic Places. The Cumberland Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a local historic designation in order to provide additional protection of these significant resources. The Historic Preservation Commission would like to receive input from you as to whether you would approve of this additional designation.

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Sincerely,



Kathy Mckenney

Community Development Programs Manager

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CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

First Baptist Church
212 Bedford Street
Cumberland, MD 21502

Re: First Baptist Church 212 Bedford Street

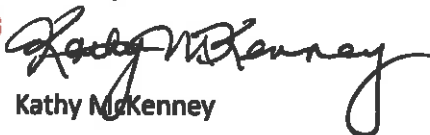
Dear Sir or Madam,

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Sincerely,



Kathy McKenney

Community Development Programs Manager

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CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Mr. Eric Michael
634 Maryland Avenue
Cumberland, MD 21502

Re: Francis Haley House 634 Maryland Avenue

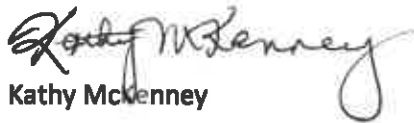
Dear Mr. Michael,

As the staff liaison of the Cumberland Historic Preservation Commission, I have been asked to contact you since you are the owner of a property that is individually listed on the National Register of Historic Places. The Cumberland Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a local historic designation in order to provide additional protection of these significant resources. The Historic Preservation Commission would like to receive input from you as to whether you would approve of this additional designation.

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Sincerely,



Kathy Mckenney

Community Development Programs Manager

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CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Ms. Joan Zimmerman
713 Block Forest Road
Annapolis, MD 21409

Re: George Trog House 230 Baltimore Avenue

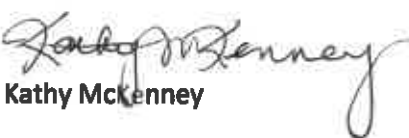
Dear Ms. Zimmerman,

As the staff liaison of the Cumberland Historic Preservation Commission, I have been asked to contact you since you are the owner of a property that is individually listed on the National Register of Historic Places. The Cumberland Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a local historic designation in order to provide additional protection of these significant resources. The Historic Preservation Commission would like to receive input from you as to whether you would approve of this additional designation.

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MEMBER MARYLAND MUNICIPAL LEAGUE (MML)



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Klots Mill Lofts LLC
406 East 4th Street
Winston-Salem, NC 27101

Re: Klots Mill 917 Gay Street Cumberland

Dear Sir or Madam,

As the staff liaison of the Cumberland Historic Preservation Commission, I have been asked to contact you since you are the owner of a property that is individually listed on the National Register of Historic Places. The Cumberland Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a local historic designation in order to provide additional protection of these significant resources. The Historic Preservation Commission would like to receive input from you as to whether you would approve of this additional designation.

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If you are unable to attend, please contact me by phone at 301-759-6431 or email at kathy.mckenney@cumberlandmd.gov or by letter at the address below. I look forward to talking with you more.

Sincerely,



Kathy Mckenney

Community Development Programs Manager

MAYOR
RAYMOND M. MORRIS

COUNCIL
SETH D. BERNARD
RICHARD J. CIONI, JR.
EUGENE T. FRAZIER
LAURIE P. MARCHINI

CITY ADMINISTRATOR
JEFFREY D. RHODES

CITY CLERK/ASST.
CITY ADM.
MARJORIE A. WOODRING

CODE COMPLIANCE
MANAGER
KEVIN R. THACKER

COMM. DEV. PROGRAMS
MANAGER
KATHY MCKENNEY



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)759-6456 • FAX (301)759-6432 • TDD (800)735-2258



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Mr. Alan Kettler
205 Columbia Street
Cumberland, MD 21502

Re: Wright Butler House 205 Columbia Street

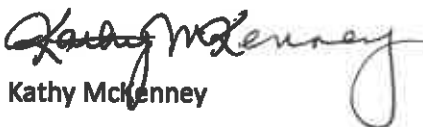
Dear Mr. Kettler,

As the staff liaison of the Cumberland Historic Preservation Commission, I have been asked to contact you since you are the owner of a property that is individually listed on the National Register of Historic Places. The Cumberland Historic Preservation Commission has been evaluating whether consideration should be made to recommend that structures that are currently individually listed on the National Register of Historic Places should also receive a local historic designation in order to provide additional protection of these significant resources. The Historic Preservation Commission would like to receive input from you as to whether you would approve of this additional designation.

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CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

December 6, 2019

Washington First Church
600 South Frederick Ave Ste402
Gaithersburg, MD 20877

Re: Town Clock Church 312 Bedford Street

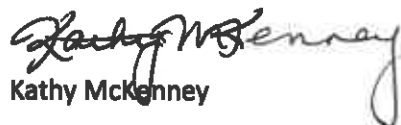
Dear Sir or Madam,

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Item Attachment Documents:

11. Examples have been provided of a procedure to consider existing or potentially significant historic structures when demolition permits are requested.

A National Trust preservation law publication . . .

Protecting Potential Landmarks Through Demolition Review

by Julia H. Miller



NATIONAL TRUST
for HISTORIC PRESERVATION®

1785 Massachusetts Avenue, NW
Washington, D.C. 20036
202.588.6035

The National Trust for Historic Preservation provides leadership, education, and advocacy to save America's diverse historic places and revitalize our communities. Support for the National Trust is provided by membership dues, endowment funds, individuals, corporate and foundation contributions, and grants from federal and state agencies.

The National Trust's Law Department provides educational materials and workshops on legal developments in historic preservation law for the benefit of citizens, organizations, and governmental institutions throughout the United States. Through this work, the Trust helps communities protect their heritage, their homes and businesses, their neighborhoods, and their history.

For further information, contact the Law Department at 202-588-6035 or send an email to law@nthp.org. Also visit our website at www.nthp.org/law.html.

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Cover Photo: Redwood Street Historic District, Baltimore, MD (Historic American Buildings Survey, NPS)

Protecting Potential Landmarks through Demolition Review

By Julia H. Miller*

Last year, the wrecking ball fell twice in downtown Baton Rouge—almost. Two historic buildings, the 1910 S.H. Kress Building, the site of a 1960 civil rights protest at the then all-white, lunch counter of the five and dime, and the adjacent Welsh & Levy Building, built in 1885, were spared only after the owner backed off his plans to demolish the buildings for a surface parking lot in response to public outcry. The fate of a third building, the Old Baton Rouge Ice Plant, proved less fortunate. This 1880s one-story brick building was demolished for a riverfront condominium project. Once used for ice production, the building had been located on the Mississippi River on one of the city's few remaining intact blocks dating from the Nineteenth Century.

Baton Rouge has since taken steps to protect its unprotected resources and other communities can too. Through the adoption of a “demolition review ordinance,” older buildings (generally those over 50 years) cannot be demolished without review by a preservation commission or special committee to determine whether a building is historically significant. If the building qualifies as significant, then a commission may delay the issuance of a demolition permit to explore preservation alternatives, such as designating the building as a historic landmark or finding a purchaser who may be interested in rehabilitating the building.

What is a Demolition Review?

Demolition review is a legal tool that provides communities with the means to ensure that potentially significant buildings and structures are not demolished without notice and some level of review by a preservation commission. This process creates a safety net for historic resources to ensure that buildings and structures worthy of preservation are not inadvertently demolished.

Demolition review does not always prevent the demolition of historically significant buildings or structures. Rather, as the name suggests, it allows for review of applications for demolition permits for a specific period of time to assess a building's historical significance. If the building is deemed significant, then issuance of the permit may be delayed for a specific period of time to pursue landmark designation, or alternatively, to explore preservation solutions such as selling the property to a purchaser interested in rehabilitating the structure or finding alternative sites for the proposed post-demolition project.

What is the Difference between “Demolition Review Laws” and “Demolition Delay” or “Interim Protection” Provisions used in Preservation Ordinances?

Demolition review laws are typically, but not exclusively, separate and distinct from historic preservation ordinances. They preclude the demolition of *any* building or structure over a certain age, or any building or structure identified for protection—regardless of significance—for a specific period of time, to allow for a determination of historical or architectural merit. Historic properties may or may not be designated as a landmark at the culmination of this process, depending upon a law's specific terms, and such laws may or may not include a

*Special Counsel and Legal Education Coordinator, National Trust for Historic Preservation

“demolition delay” or “waiting period” component.

The nomenclature can be confusing. Demolition review laws are sometimes called “demolition delay ordinances” or simply, “demolition ordinances.”

Demolition delay provisions in historic preservation ordinances are used to prevent the demolition of buildings or structures that have already been designated as historic landmarks or as contributing structures in a historic district for a specific amount of time, usually ranging from 6 to 24 months. During that time, the preservation commission, preservation organizations, concerned citizens, and others may explore alternatives to demolition, such as finding a purchaser for the structure or raising money for its rehabilitation.

These provisions are typically used by communities that lack the authority to deny demolition permits. For example, in North Carolina, local jurisdictions generally only have the authority to delay a demolition permit up to 365 days unless the structure at issue has been determined by the State Historic Preservation Officer to have “statewide significance.” *See* N.C. Gen. Stat. § 160A.400.14.

Interim protection provisions are also found in preservation ordinances. They preclude the demolition or alteration of buildings or structures during the period in which the building is under consideration for historic designation. The objective is to preserve the status quo pending designation and to prevent anticipatory demolitions. For further information, see Edith M. Shine, “The Use of Development Moratoria in the Protection of Historic Resources,” 18 PLR 3002 (1999).

Why Do Communities Adopt Demolition Review Procedures?

Demolition review procedures help to prevent the demolition of historically significant buildings. Given the vast numbers of older buildings in cities and towns across the United States, it is virtually impossible for a community to identify all buildings that should be protected under a historic preservation ordinance in advance. By establishing a referral mechanism, communities can be assured that buildings meriting preservation will not fall through the cracks. The delay period provides an opportunity for the municipality or other interested parties to negotiate a preservation solution with the property owner, or to find persons who might be willing to purchase, preserve, rehabilitate, or restore such buildings rather than demolish them.

Demolition review procedures have also been adopted to protect buildings that may not meet the standards for designation but nonetheless embody distinguishing features that help to make a community an attractive place to live or work. For example, demolition review provisions are being used to address the proliferation of “teardowns” in many of our older neighborhoods. By delaying demolition for a period of time, concerned residents may be able to negotiate the preservation of character-defining houses on a case-by-case basis. *See, e.g.* Santa Monica, California, and Highland Park, Illinois.

Which Properties are Subject to Demolition Review Procedures?

Demolition review ordinances typically set forth objective criteria for determining which properties are subject to review. For example, a demolition review ordinance may require some level of review for all buildings built before a specific date or all buildings that have attained a certain age on the date the permit application is filed. Many communities use “50 years” as the critical benchmark. *See, e.g.* Boston, Massachusetts, Boulder, Colorado, and New Castle, Delaware. A few jurisdictions have opted for a shorter time period, largely in recognition of their younger building stock, *see, e.g.* Santa Monica, California (which uses a 40-year benchmark), and Gainesville, Florida (all structures listed in the state’s “master site

file" and/or 45 years of age). Still others utilize a specific date. See, e.g. Alameda, California, and Weston, Massachusetts, which protect all buildings constructed prior to 1945.

Alternatively, the demolition ordinance may only apply to properties identified on a historic survey or listed on a state historic register or the National Register of Historic Places. Chicago, for example, requires review for the roughly 6,200 buildings designated as "red" or "orange" on its 1996 Historic Resources Survey. Montgomery County, Maryland, stays the issuance of a demolition permit for properties included on its Locational Atlas and Index of Historic Sites.

Finally, some communities limit the scope of protection afforded to buildings located within a specific geographic area. Baton Rouge's newly-enacted demolition ordinance, for example, applies only to its downtown buildings. Boston's law governs any buildings located in its downtown area, Harborpark, and neighborhood design overlay districts, in addition to all those that are at least 50-years old.

Keep in mind that the viability of this system may depend upon an applicant's representation or a permit official's ability to verify or accurately determine a building's age. Boston addresses this issue by insisting that all demolition permit applications be referred to the city's landmark commission. Staff to the commission makes the determination as to whether the building is subject to review.

In Wilton, Connecticut, the burden of establishing the age of the building rests on the demolition permit applicant. Applications must include a statement regarding the size and age of the building or structure to be demolished with verification through independent records such as tax assessment records or the city's cultural resource survey. Santa Monica bases its age determination on the date the original permit for the building or structure was issued. Alameda, California's law provides that the age is to be determined by review of city records. Weston, Massachusetts, protects against the potential problem that the date of a building or structure cannot be determined by record by also requiring the review of all properties of "unknown age."

What Actions Generally Trigger Demolition Review?

All demolition review procedures are triggered by the filing of an application for a demolition permit. The scope of demolition work requiring review, however, varies from jurisdiction to jurisdiction. In addition, requests for permits to move or substantially alter buildings may also require review.

In Boulder, demolition review is required for the demolition or removal of any building over fifty years old. Demolition includes the act of either demolishing or removing—

- Fifty percent or more of the roof area as measured in plan view (defined as the view of a building from directly above which reveals the outer perimeter of the building roof areas to be measured across a horizontal plane); or
- Fifty percent or more of the exterior walls of a building as measured contiguously around the "building coverage"; or
- Any exterior wall facing a public street, but not an act or process which removes an exterior wall facing an alley.

[Illustrations omitted.] To meet the exterior wall retention standard,

- The wall shall retain studs or other structural elements, the exterior wall finish, and the fully framed and sheathed roof above that portion of the remaining building to which such wall is attached;

- The wall shall not be covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and
- Each part of the retained exterior walls shall be connected contiguously and without interruption to every other part of the retained exterior walls.

In Davis, California, the city’s demolition review procedures apply to “the destruction, removal, or relocation of a structure not classified as an ‘incidental structure,’ or the permanent or temporary removal of more than twenty-five percent (25%) of the perimeter walls of a structure.” Incidental structures are accessory buildings such as sheds, fences, play structures, and so forth.

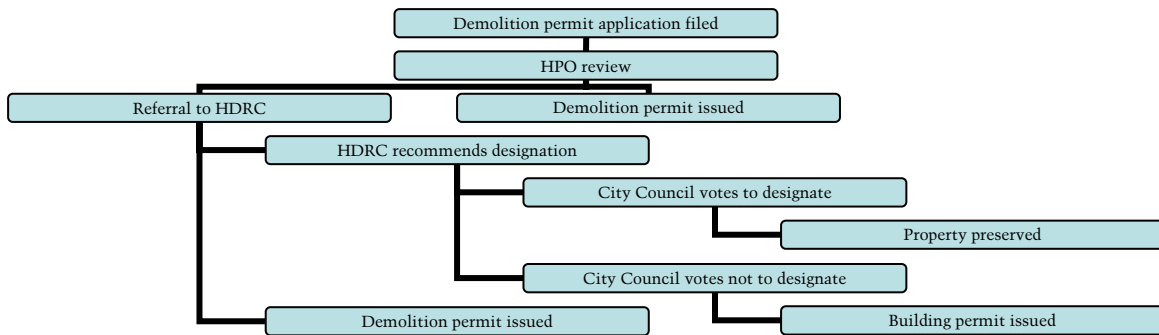
In Newton, Massachusetts, the demolition review requirement applies to any permit, without regard to whether it is called a demolition permit, alteration permit, or building permit, if it involves total and partial demolitions. A “total demolition” is “[t]he pulling down, razing or destruction of the entire portion or a building or structure which is above ground regardless of whether another building or structure is constructed within the footprint of the destroyed building or structure.” A “partial demolition” is “[t]he pulling down, destruction or removal of a substantial portion of the building or structure or the removal of architectural elements which define or contribute to the character of the structure.”

A few jurisdictions have narrowed the number of applications requiring review by limiting referrals to projects entailing the demolition of at least 500 square feet of gross floor area. *See, e.g.,* Concord, New Hampshire, and Monroe, Connecticut.

How is Demolition Review Accomplished?

Under typical demolition review procedures, the permitting official is directed to refer a demolition permit application to a review body for an initial or preliminary determination of significance. In San Antonio, for example, all demolition permits are referred to the city’s Historic Preservation Officer (HPO) to determine within 30 days whether or not a building or structure is historically significant. If the HPO finds the building significant, the HPO is required to forward the application to the Historic and Design Review Commission (HDRC) for review and recommendation as to significance. If the HDRC concurs in the HPO’s finding of significance, then the Commission must recommend designation to the City Council. Buildings and structures not deemed significant at any time during these proceedings may be demolished.

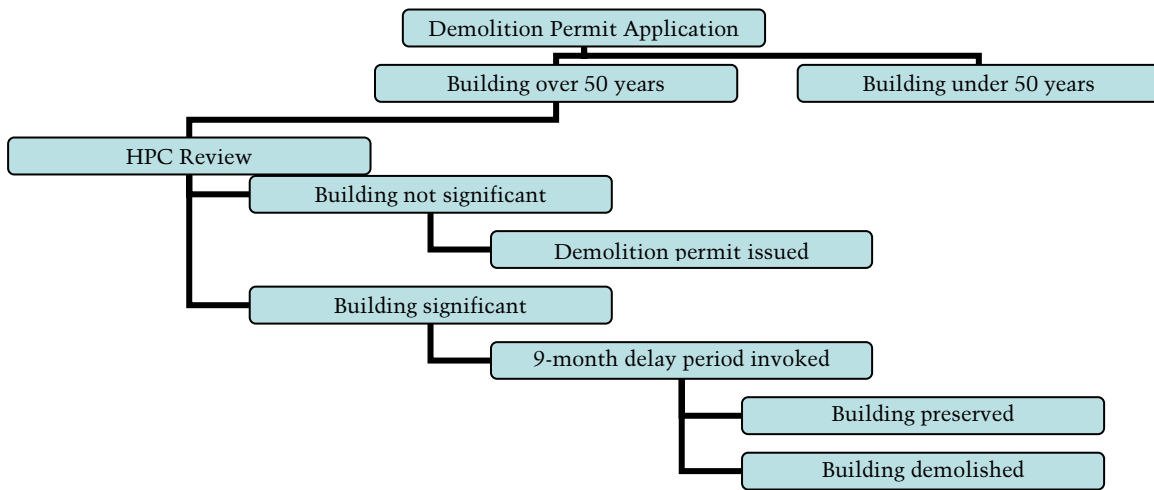
San Antonio Demolition Review Process



Santa Monica and Chicago also delay issuance of a demolition permit to allow for the landmark designation of the building, if warranted. In Santa Monica, the demolition permit may be issued if no application to designate is filed within 60 days. Chicago’s demolition ordinance delays issuance of permit up to 90 days “in order to enable the department of planning and development to explore options to preserve the building or structure, including, but not limited to, possible designation of the building or structure as a Chicago Landmark in accordance with Article XVII of Chapter 2-120 of this code.”

Some demolition review laws simply provide for a delay in the issuance of a permit to explore preservation-based solutions. New Castle County, Delaware utilizes this approach. The county may delay issuance of a demolition permit for any building “thought to be over 50 years old” for a period up to 10 days, during which time the Historic Review Board must make a determination whether the building is historically significant. If the building is deemed significant, then the board may order further delay up to 9 months from the date the application was initially filed to seek demolition alternatives.

New Castle County Demolition Review Process



In Boston, the Inspectional Services Department must transmit a copy of an application for a permit to demolish a building to the Boston Landmarks Commission within three days. The commission staff, in return, must make a determination within 10 days as to whether the building is (1) subject to review and (2) significant under specific criteria. If the property is determined not to be significant, then no further review is required. If the property is significant, the commission must hold a public hearing to determine whether the building should be subject to demolition delay. A decision on whether to delay the permit must be made within 40 days from the date the demolition permit application was initially filed.

To invoke the delay period, the commission must find that, in considering the public interest, it is preferable that the building be preserved or rehabilitated rather than demolished. Factors for consideration include: (a) the building’s historic, architectural, and urban design significance; (b) whether the building is one of the last remaining examples of its kind in the neighborhood, the city, or the region; and (c) the building’s condition. If the commission finds that the building is subject to demolition delay, issuance of the demolition permit may be delayed for up to 90 days from the close of the public hearing. A “Determination of No Feasible Alternative” may be issued during the public hearing or prior to the expiration of the 90-day period if the commission finds that there are no feasible alternatives to demolition.

Who Makes the Determination of Significance?

In most cases, the historic preservation commission makes the determination of significance, with initial review by the staff to the commission. *See, e.g.*, Boston, Massachusetts, Davis, California, and San Antonio, Texas. Variations, however, do exist from community to community. In Santa Monica, for example, demolition permit applications are forwarded directly to each of the members of the landmarks commission. In Boulder, initial review is performed by the city manager and two designated members of the landmarks board. If the property is significant, then the matter is referred to the city's landmarks board. In the cities of Keene and Concord, New Hampshire, the demolition review committee, comprised of three members of each city's heritage commission, is responsible for conducting the initial review, making an official determination of significance, and holding a meeting to explore preservation alternatives.

What Evidence Must be Submitted for Review?

Most jurisdictions require the submission of sufficient information to enable the decision maker to make an informed decision on a building's age and significance. In Santa Monica, for example, a completed application form must be submitted to the landmarks commission, along with a site plan, eight copies of a photograph of the building, and photo verification that the property has been posted with a notice of intent to demolish.

Boston requires the submission of photographs of both the subject property and any surrounding properties with a demolition permit application. In addition, the applicant must provide a map identifying the location of the property, a plot plan showing the building footprint and those in the immediate vicinity; plans for site improvements, including elevations if a new structure is planned, and the notarized signatures of all owner's-of-record along with proof of ownership. Additional materials may be required if a public hearing on the issue of whether the property is "preferably preserved" is held. Items such as a structural analysis report, adaptive reuse feasibility studies, the availability of alternative sites for the proposed project, effects of post-demolition plans on the community, and other materials the commission may need to make a feasibility determination may be requested.

Newton, Massachusetts has comparable requirements. In the case of partial demolitions involving alterations or additions, the town also requires the submission of proposed plans and elevation drawings for the affected portion of the building.

What Standards are Used to Determine Historical Significance?

In Gainesville, Florida, the preservation planner is essentially charged with determining whether the structure would qualify as a landmark under the city's historic preservation ordinance. A demolition permit may be issued if the planner finds that the structure "is not designed in an architectural 'high style' or a recognized vernacular building pattern, and it does not have historic events or persons associated with it."

In New Castle County, Delaware, the Historic Review Board makes a determination as to whether the building or structure is historically significant, based on the criteria for listing in the New Castle County Register of Historic and Architectural Heritage.

In Baton Rouge, Louisiana, the city's planning commission is charged with determining whether "[t]he structure is individually listed on the National Register of Historic Places or included in a National Register Historic District, or the structure is classified as National Register Eligible or Major Contributing in the historic building survey of the Central Business District."

In Westfield, Connecticut, individual findings of significance are not made. Rather, to invoke the 90-day, demolition delay period, the structure must be listed in or located within a historic district listed in the National Register of Historic Places, the State Register of Historic Places, the Westfield Historical Commission Register of Historic Places, or a local historic district created under the city's historic preservation ordinance. To be included on the city's historic register, the property must "contain or reflect distinctive and demonstrably important features of architectural, cultural, political, economic or social significance to the City of Westfield."

In Boulder, a preliminary finding on whether there is "probable cause" for designation as an individual landmark is made. If there is "probable cause," then the matter is required to be referred to the landmark commission for a public hearing on the eligibility of the building for designation as a landmark. In addition to determining whether the building meets the objectives and standards for landmark designation under its preservation ordinance, the Boulder commission must also take into account: (1) "[t]he relationship of the building to the character of the neighborhood as an established and definable area;" (2) "the reasonable condition of the building;" and (3) "the reasonable projected cost of restoration or repair." If the building is found to merit designation, then a delay period not to exceed 180 days from the date the demolition permit application was initially filed may be invoked.

Cities and towns enacting demolition review procedures in Massachusetts may not invoke a delay period until the building or structure at issue is found to be both "significant" and "preferably preserved." The term "preferably preserved" essentially means that it is in the public's interest to preserve the building. In some cases, a determination may be made to seek landmark status. Newton's "demolition delay ordinance" is illustrative. Under the city's law, a significant building is "any building or structure which is in whole or in part fifty years or more old" and which:

(1) is in any federal or state historic district, or if in any local historic district, is not open to view from a public street, public park or public body of water; or

(2) is listed on or is within an area listed on the National Register of Historic Places or eligible for such listing, or listed on or is within an area listed on the State Register of Historic Places, or eligible for such listing; or

(3) has been determined by the commission or its designee to be a historically significant building after a finding that it is:

a) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America: or

b) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or

c) located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and contextually similar to the buildings or structures located in the adjacent federal or local historic district.

A building or structure is "preferably preserved" if issuance of the requested demolition permit "would result in the demolition of a historically significant building or structure whose loss would be detrimental to the historical or architectural heritage or resources of the City of Newton."

What Procedures are Used to Evaluate Significance?

The notice and hearing requirements set forth in demolition review ordinances normally address two concerns. One is meeting the constitutional rights of the applicant to due process. The other is ensuring that the community knows about the pending demolition and has a meaningful opportunity to participate in the proceedings. Determinations of significance are generally held upon review by a city's historic preservation commission at a public hearing.

Notice. Individual notice is often required when specific findings are made affecting the applicant's request for a demolition permit. For example, in Boulder, notice must be provided to the applicant upon a finding by an initial review committee that probable cause exists that the building or structure may be eligible for designation as an individual landmark. The applicant is also entitled to notice of the public hearing before the full commission regarding the property's eligibility for landmark status and notice of the commission's final decision to stay the demolition permit for a period of 180-days to explore preservation alternatives.

Public notice requirements under demolition review ordinances can also be extensive. In situations where delay periods may be invoked for the purpose of exploring preservation alternatives, public awareness can be critical. In Monroe, Connecticut, for example, concerted efforts are made to inform the public. The city's ordinance requires publication of notice in newspaper of general circulation and individually-mailed notice to the city's historic district commission, the town historian, the Monroe Historical Society, and all abutting property owners. In addition, the city is required to post for at least 30 days a 36 by 48" sign visible from nearest public street with the words "DEMOLITION" printed on the sign with the letters being at least 3 inches in height. Among other requirements, Gainesville, Florida, requires that the historic preservation planner post a sign on the property "notifying the public of the owner's intent to demolish the structure in order to allow interested parties to come forward and move the structure upon consent of the owner."

Hearings. Public hearings are typically required under demolition delay provisions to determine whether the building or structure posed for demolition is historically significant. See, e.g. Baton Rouge, Louisiana, Boston, Massachusetts, Boulder, Colorado, Westfield, Connecticut, Gainesville, Florida, and Concord, New Hampshire. Some demolition delay laws also use the public hearing format to consider alternatives for demolition delay. The Westfield, Connecticut, ordinance, for example, specifically states that "[t]he purpose of said Hearing shall be to discuss, investigate and evaluate alternatives that will allow for the preservation of such buildings, structures, features/components or portions thereof." It provides, however, that [t]he applicant's intended use/reuse of the property is not a topic of the hearing."

How Long Do Delay Periods Typically Run?

The delay periods invoked under demolition review ordinances run from 30 days to two-years, with most falling within the 90-day to six-month range. In some jurisdictions, the length of the delay period may be prescribed by state law. For example, in Connecticut, § 29-406(b) of the Connecticut General Statutes authorizes any town, city, or borough to impose a waiting period of not more than ninety days. Also note that the effective length of equivalent waiting periods can vary significantly, depending upon the date upon which the delay is measured. Boston, for examples, measures its 90-day delay period from the close of the public hearing. Chicago, in comparison, measures its 90-day delay period from the application filing date.

Communities with longer delay periods sometimes include specific provisions that enable the issuance of a demolition permit prior to the expiration of the waiting period if spe-

cific conditions are met. For example, in Lake Forest, Illinois, the city's 2-year waiting period for all demolition permits may be waived or shortened, upon a finding by the Building Review Board, after holding a public hearing, that—

- a. The structure itself, or in relation to its environs, has no significant historical, architectural, aesthetic or cultural value in its present restored condition; or
- b. Realistic alternatives (including adaptive uses) are not likely because of the nature or cost of work necessary to preserve such structure or realize any appreciable part of such value; or
- c. The structure in its present or restored condition is unsuitable for residential, or a residentially compatible use; or
- d. The demolition is consistent with, or materially furthers, the criteria and purpose of this section and Section 46-27 of the Zoning Code.

In Newton, Massachusetts a demolition permit may be issued before the expiration of the city's 12-month delay period if the Newton Historical Commission is satisfied that the permit applicant:

- has made a "bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or
- has agreed to accept a demolition permit on specified conditions approved by the commission.

See, also, Boston's Demolition Delay Ordinance, which provides for the issuance of a finding of "no feasible alternative to demolition" at the public hearing or any time prior to the expiration of the delay period.

Also note that some jurisdictions insist that the property be secured during the demolition delay period. In Boston, for example, the applicant is required to secure the building during the review period. If the building is lost during this period due to fire or other causes, then the action is treated as an unlawful demolition.

How are Demolition Alternatives Explored?

The historic preservation commission usually sits at the center of the preservation effort. The commission will work with the owner and other interested organizations, public agencies, developers, and individuals who may be instrumental in developing a workable solution. Boston's demolition review ordinance specifically identifies who must be asked to participate in the city's investigation of alternatives. In addition to the owner, the Landmarks Commission must invite the Commissioner of Inspectional Services, the Director of the Boston Redevelopment Authority, and the Chairperson of the Boston Civic Design Commission, and any other individual or entity approved by the applicant. In Boulder, the Landmarks Board may "take any action that it deems necessary and consistent with this chapter to preserve the structure, including, without limitation, consulting with civic groups, public agencies, and interested citizens."

The range of alternatives that may be pursued may be specifically identified in the ordinance or left to the preservation commission's discretion. In addition to considering the possibility of landmark designation, the moving of a building to an alternative location, and the salvaging of building materials, the Boulder Landmarks Board is empowered to "take any action that it deems necessary . . . to preserve the structure." In Wilton, Connecticut, the Wilton Historic District Commission or the Connecticut Historical Commission is charged

with “attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition” during the 90-day delay period.

Alternatives that are often considered include the possibility of rehabilitating the building with the assistance of tax incentives or other financial assistance; adapting the building to a new use; removing the building to another site; finding a new owner who is willing and able to preserve the building; incorporating the building into the owner/applicant’s redevelopment plans; and using an alternative site for the owner/applicant’s project.

The submission of specific information pertaining to the property is generally required. An applicant, for example, may be required to submit a structural engineer’s report and information on the cost of stabilizing, repairing, rehabilitating, or re-using the building, plans for the property upon demolition, and the availability of other sites that would meet the applicant’s objectives.

What Exceptions May Apply to the Strict Application of Demolition Review Laws?

Many demolition review laws recognize exceptions upon a showing of economic hardship or where the public safety is at stake. In Gainesville, Florida, for example, the demolition delay period may be waived by the historic preservation board if the applicant can demonstrate “economic hardship.” As is generally the case with the consideration of economic hardship claims under historic preservation ordinances, the burden of proof rests on the applicant to show that retention of the property is not economically viable and the applicant must set forth specific relevant information to make his or her case.

Virtually every demolition review law recognizes an exception on public safety grounds. Gainesville also provides that “any structure that has been substantially burned or damaged by an event not within the landowner’s control with more than 50 percent of the structure affected” may also be demolished, regardless of the building’s significance.

Weston, Massachusetts provides the following exception:

Emergency Demolitions

Notwithstanding the following provisions, the Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions. Prior to doing so, the Building Inspector shall inspect the building and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission. Before allowing emergency demolition, the Building Inspector shall make every effort to inform the Chairperson of the Commission of his intention to allow demolition before he issues a permit for emergency demolition.

No provision of this by-law is intended to conflict with or abridge any obligations or rights conferred by G.L.c.143 regarding removal or demolition of dangerous or abandoned structures. In the event of a conflict, the applicable provisions of Chapter 143 shall control.

Once the Delay Period Expires, What Other Restrictions May Apply?

Some jurisdictions also require the submission of documentation of the property and/or the salvage of significant architectural features prior to the issuance of the demolition permit. Boulder, Colorado, expressly authorizes the city manager to require the submission of documentation about the building prior to the issuance of a demolition permit, such as a de-

scription of significant events, information on its occupants, photographs, plans, and maps. In Keene, New Hampshire, the demolition review committee is required to “photographically document the building” prior to demolition. In addition, the salvage of significant architectural features is encouraged.

How are Demolition Review Ordinances Enforced?

Experience has shown that historic buildings will be demolished, without regard to protections against demolition, if the ramifications for non-compliance are minor or insignificant. Accordingly, communities generally seek to establish penalties that will, in fact, discourage violations from occurring. Commonly used penalties, for example, include the imposition of significant fines for each day of the offense, and the preclusion of a permit to develop or occupy the property for specific period of time.

In New Castle County, Delaware, the county attorney is authorized by ordinance “to take immediate action prosecute those responsible” for the demolition of structures determined to have historic significance prior to the issuance of a demolition permit. In addition, building permits for the parcel affected may be withheld for a period of one to three years. Violators of the demolition ordinance in Monroe, Connecticut, may be subject to a fine amounting to the greater of one thousand dollars or the assessed value of the property for each violation. In Highland Park, Illinois, a person who violates the demolition review ordinance may be assessed a fine equal to “90 percent of the fair market value of the cost of the replacement of such regulated structure.”

Newton, Massachusetts, authorizes the imposition of a \$300 fine and two year ban on the issuance of a building permit against anyone who demolishes a historically significant building or structure without first obtaining and fully complying with the provisions of a demolition permit issued in accordance with its demolition review ordinance. However, a waiver on the building permit ban may be obtained in instances where reuse of the property would “substantially benefit the neighborhood and provide compensation for the loss of the historic elements of the property” either through reconstruction of the lost elements or significant enhancement of the remaining elements. As a condition to obtaining the waiver, however, the owner must execute a binding agreement to ensure that the terms agreed to are met.

Do Demolition Delay Ordinances Work?

On December 15, 2003, a Chicago Tribune article written by architectural critics, Blair Kamin and Patrick T. Reardon, made headline news. Kamin and Reardon reported that, in a year’s time, only one of 17 buildings slated for demolition had been preserved under the city’s much acclaimed “demolition delay ordinance.” The critics asserted that the city’s much-touted effort to preserve the buildings coded red or orange on Chicago’s 1996 Historic Resources Survey through the imposition of a 90-day waiting period on demolition permits, wasn’t working. They attributed the loss of the buildings to the city’s failure to make preservation a priority and by not providing sufficient legal protections and financial incentives to get the job done.

In the same article, Kamin and Reardon also reported that the Chicago Landmarks Division had made a contrary assessment. Sixteen out of the 17 orange-rated buildings posed for demolition were not recommended for designation because they had failed to meet the criteria for landmark status and the one building that was saved would have been demolished but for the demolition delay ordinance.

It cannot be denied, as Kamin and Reardon noted, that demolition review laws seem to support an “ad hoc” approach to landmark designation. The buildings being designated are

those threatened by demolition rather than those most deserving. Also, the question of what is preserved often depends upon who cares about the matter, rather than the historical or architectural merit of the building at issue.

Keep in mind, however, that the need for such laws really stems from the fact that it is impossible to designate every building worthy of protection in advance, especially in cities like Chicago, where over 17,000 buildings have been listed on the city's historic survey. Historic preservation commissions are often understaffed, and often cities simply lack the resources or political will to protect all of their historic properties in advance.

Indeed, in Massachusetts, where over 100 demolition review laws have been adopted, demolition review laws are considered overwhelmingly successful. According to the Massachusetts Historical Society, demolition delay enabled the preservation of the Coolidge Corner Theater and a Lustron house in Brookline. Negotiations under Eastham's delay provision enabled a historic house to be moved rather than demolished. Demolition review requirements have also helped to stem the tide of teardowns in residential areas in Newton, and resulted in the rehabilitation of the circa-1710 Foster Emerson House in Reading. For more information, see Christopher Skelly, "Preservation through ByLaws and Ordinances" (Massachusetts Historical Commission 2003).

What Else do I Need to Know About Demolition Review Laws?

By now you should be aware that demolition review laws can vary significantly. In developing your own program, it is important to understand not only how such laws work generally, but also to think about how such a law would work in your own community. Basic considerations include the types and number of buildings likely to require review, who should conduct that review, and how the law would relate to your city or town's historic preservation program. Communities should also seek to —

- **Establish an efficient process.** Provide a quick and efficient means for ensuring that permits on non-significant buildings are not held up unnecessarily. The number of demolition permit applications filed in a given year can sometimes be staggering. The San Antonio Historic Preservation Office, for example, reports that it reviews approximately 900 applications per year.
- **Have resources in place which help applicants and/or permitting officials determine the age and significance of their buildings.** In other words, take the guesswork out of the process.
- **Avoid making the safety net too small.** It is important to ensure that potential landmarks are, indeed, subject to the law's protections. In communities with resources from the recent past, for example, it may be necessary to establish a threshold date that is commensurate with those resources. Communities relying on specific dates rather than the age of the building may find the need to amend the ordinance over time. If demolition review is limited to a category of buildings or list of structures, comprehensive survey work must be done prior to the law's enactment to ensure that all buildings meriting protection are included.
- **Keep the community informed.** Effective notice provisions, such as the posting of a large sign, are critical. Members of the public cannot respond to a demolition threat unless they know about it.
- **Don't make the delay period too short.** Without a meaningful delay period, leverage is lacking. It takes time to find a new buyer or a new site, or to even make an assessment as to whether an adaptive reuse project would work.

- **Give the preservation commission the necessary tools to negotiate a solution.** Preservation solutions are more likely to be forthcoming with some level of financial assistance or tax savings. Enable the commission to draw on the expertise of other city officials when necessary and invite critical players to the table. Demolition review provides an invaluable opportunity to improve communication between a preservation commission and its staff, and other governmental officials and the development community.
- **Enable the property to be designated, if designation is warranted.** Negotiated preservation is no substitute for a strong preservation ordinance.
- **Enforce your ordinance.** Ensure that the penalties effectively deter non-compliance and be prepared to enforce your ordinance if violations occur.

Where Can I Find Examples of Demolition Delay Ordinances?

Listed below are examples of demolition delay ordinances that have been adopted around the country.

California

Alameda City Code § 13-21-7.
http://www.ci.alameda.ca.us/code/Chapter_13/21/7.html

Davis Building Ordinance § 8.18.020
http://www.city.davis.ca.us/pb/pdfs/planning/forms/Demolition_Permit_Requirements.pdf

Santa Monica Municipal Code § 9.04.10.16.010 (as amended by Ordinance No. 2131 (July 27, 2004)).
<http://www.codemanage.com/santamonica/>

Colorado

Boulder Revised Code § 10-13-23.
<http://www3.ci.boulder.co.us/cao/brc/10-13.html#Demolition>

Connecticut

Monroe Demolition Delay Ordinance
<http://www.cttrust.org/index.cgi/1049>

Wilton Demolition Ordinance
<http://www.cttrust.org/index.cgi/1049>

Delaware

New Castle County Code § 6.3.020(B).
http://www.municode.com/resources/online_codes.asp

Florida

Gainesville Code of Ordinances § 6-19.
http://www.municode.com/resources/online_codes.asp

Illinois

Chicago, Illinois. Municipal Code of Chicago § 13-320-230(a)-(c) and § 2-76-215.
http://egov.cityofchicago.org/webportal/COCWebPortal/COC_EDITORIAL/DemolitionPermits.txt

Highland Park Ordinances, Ch. 17 §§ 170.040.
<http://www.cityhpil.com/govern/ordinances.html>

Lake Forest, Illinois, Building Scale and Environmental Ordinance § 9-87.
<http://www.cityoflakeforest.com/pdf/cd/bsord.pdf>

Louisiana

Baton Rouge and East Baton Rouge Parish Demolition and Relocation Ordinance
http://municode.com/resources/on-line_codes.asp

Massachusetts

Boston Zoning Code, Art. 85, §§ 1-8.
<http://www.cityofboston.gov/bra/pdf/ZoningCode/Article85.pdf>

Cambridge Municipal Code Ch. 2.78, Art. II
<http://bpc.iserver.net/codes/cbridge/index.htm>

Newton Revised Ordinances, Ch. 22, Art. III, § 22-44.
http://www.ci.newton.ma.us/legal/ordinance/chapter_22.htm#art1

Town of Weston Bylaws, Art. XXX.
<http://www.lmstrategies.com/whc/by-law1.htm>

Maryland

Montgomery County Code, Part II § 24A-10
http://www.amlegal.com/montgomery_county_md/

New Hampshire

Concord Code of Ordinances, Art. 26-9 §§16-9-1 through 16-9-5.
http://municode.com/resources/on-line_codes.asp

Keene Code of Ordinances, Art. IV, §§ 18-331 through 18-335.
http://municode.com/resources/on-line_codes.asp

Texas

San Antonio Unified Development Code. Art. 4, § 35-455(b)(2).
http://www.sanantonio.gov/dsd/pdf/udc_article4_04.pdf



**A GUIDE TO DEMOLITION REVIEW
IN THE CITY OF FREDERICK**
*Planning Department * 140 West Patrick Street
Frederick, MD 21701 * 301-600-1499*

What is Demolition Review?

Demolition review was adopted by the Aldermen in February 2013 as a way of ensuring that potentially significant historic resources are not demolished without notice to the community and the opportunity to be protected if appropriate. Simply being subject to the review does not mean that demolition will be prevented.

What triggers Demolition Review?

Demolition Review is required as part of the sketch plan or minor site plan if the plans depict the demolition of an entire structure; the removal of a roof for the purposes of raising the overall height of the roof, rebuilding the roof to a different pitch, or adding another story to a structure; the removal of one or more exterior walls or partitions of a structure; the removal of more than 25% of a structure's overall gross square footage; or the relocation or moving of a structure from its existing location. The same applies to building or demolition permits unless a Certificate to Demolish Without Delay has been issued for the structure.

Certificate to Demolish Without Delay

If a Certificate to Demolish Without Delay has been issued for the structure according to Section 423(a) of the Land Management Code, a copy shall be submitted with the permit application and no additional review will be required. Certificates will be issued if the structure is determined to be less than 50 years old, the Historic Preservation Commission does not make an application for designation or does not recommend designation and if the Mayor and Board do not designate the structure. Certificates are good for five years.

Requesting Demolition Review

If you are considering a project and are not sure how demolition review will affect it or you are just not ready to apply for your permit, you can request demolition review from the Planning Department at any time according to Section 423(a)(1)(A) of the Land Management Code.

How long does Demolition Review take?

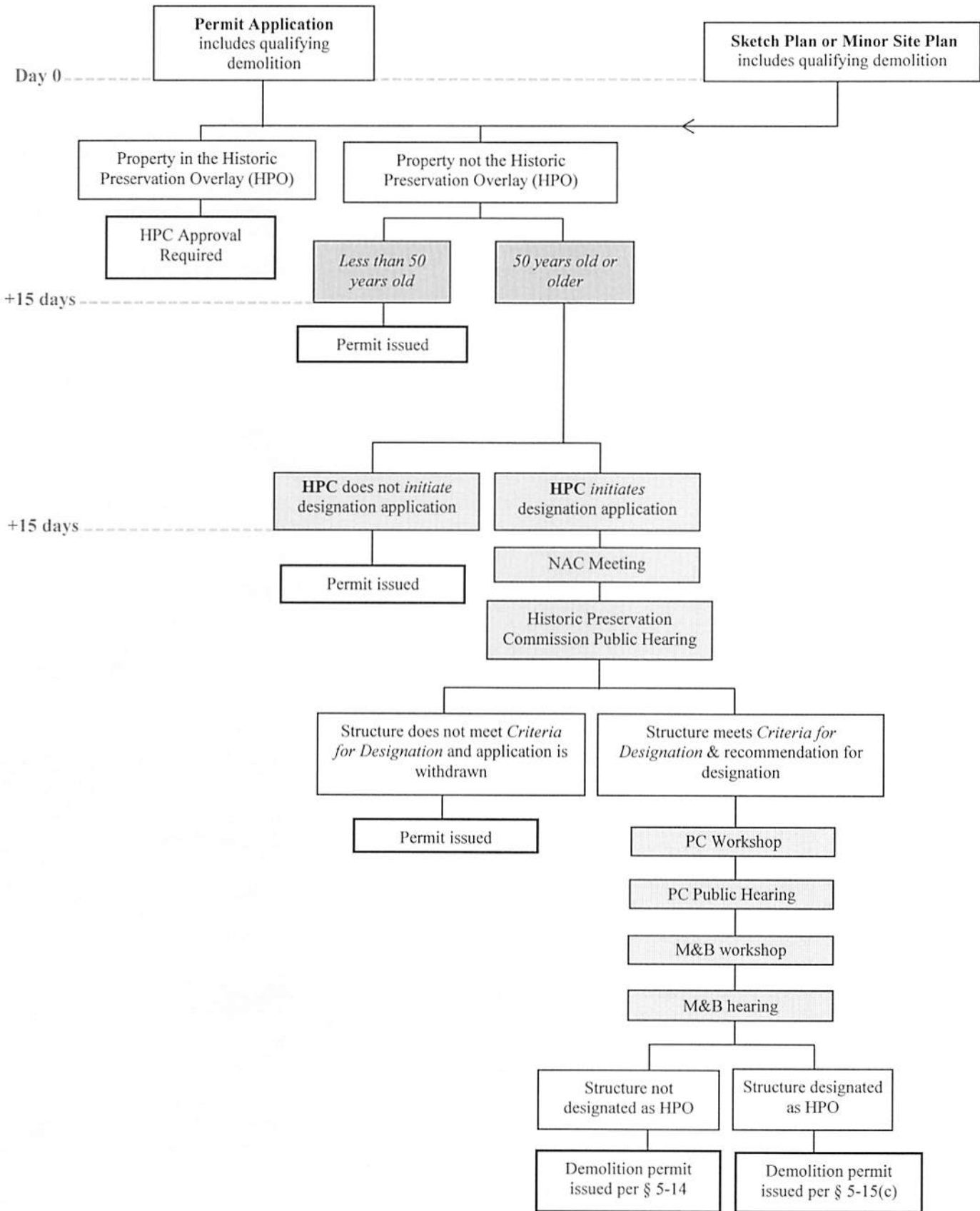
Within 15 days the Planning Department will determine if the structure is 50 years old or older. If the structure is not, the permit will be issued. If it is 50 years old or older, the demolition review period will be extended an additional 15 days for Historic Preservation Commission input. The review period will typically not extend beyond 30 days except for those structures with great architectural or historical significance.

DEMOLITION REVIEW APPLIES TO:

- The demolition of an entire structure.
- The removal of a roof for the purposes of raising the overall height of the roof, rebuilding the roof to a different pitch, or adding another story to a structure.
- The removal of one or more exterior walls or partitions of a structure.
- The removal of more than 25% of a structure's overall gross square footage.
- The relocation or moving of a structure from its existing location.

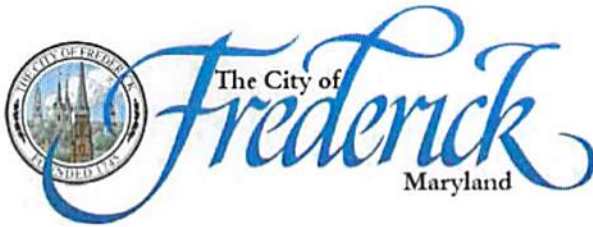
PLEASE CALL THE PLANNING DEPARTMENT AT 301-600-1499 FOR MORE INFORMATION.

DEMOLITION REVIEW PROCESS



PLEASE CALL THE PLANNING DEPARTMENT AT 301-600-1499 FOR MORE INFORMATION.

Request for Demolition Review



| For Official Use Only |
|---------------------------|
| Demolition Review Case #: |
| Application submitted: |
| Application complete: |

Planning Department * 140 W. Patrick Street * Frederick, Maryland 21701 * 301.600.1499

Instructions: This form must be completed in its entirety, with attachments, before it will be considered complete. Incomplete applications will not be accepted. For further information, contact the Planning Department at 301 600-1499.

| | |
|---|-----------------------------|
| PROJECT NAME: | |
| Project Address: | |
| City/State/Zip: | |
| Tax ID: | Lot(s) Number: |
| PROJECT CONTACT INFORMATION | |
| Owner: | Agent (if applicable): |
| Firm/Company: | Firm/Company: |
| Address: | Address: |
| City/State/Zip: | City/State/Zip: |
| Phone: | Phone: |
| Fax: | Fax: |
| Email: | Email: |
| SKETCH/MINOR SITE PLAN CASE # (if applicable): | |
| PROPOSED DEMOLITION (check all that apply): | |
| <input type="checkbox"/> The sketch plan or minor site plan application <i>does not</i> include the demolition of an entire structure; the removal of a roof for the purposes of raising the overall height of the roof, rebuilding the roof to a different pitch, or adding another story to a structure; the removal of one or more exterior walls or partitions of a structure; the removal of more than 25% of a structure's overall gross square footage; or the relocation or moving of a structure from its existing location. I understand that if plans change to include any of these items during review of or after approval by the Planning Commission or Mayor and Board of Aldermen, the property may be subject to demolition review under §5-15 of City Code unless otherwise requested by the owner or agent. _____ (initial) | |
| <input type="checkbox"/> This application is at the request of the property owner (no sketch plan, minor site plan, or permit). | Attachments Required |
| <input type="checkbox"/> This application includes the demolition of an entire structure. | |
| <input type="checkbox"/> This application includes the removal of a roof for the purposes of raising the overall height of the roof, rebuilding the roof to a different pitch, or adding another story to a structure. | |
| <input type="checkbox"/> This application includes the removal of one or more exterior walls or partitions of a structure. | |
| <input type="checkbox"/> This application includes the removal of more than 25% of a structure's overall gross square footage. | |
| <input type="checkbox"/> This application includes the relocation or moving of a structure from its existing location. | |

Property Owner or Agent Signature

Date

Request for Demolition Review

REQUIRED ATTACHMENTS:

The following materials must be submitted. Check items that are attached. Applicants will be notified if submitted material is inadequate.

- Demolition summary.** Identify each structure that will be affected by demolition and describe the type and extent of demolition in detail. Include the age of each structure, if known, and the source for determining age. Please note that the State Department of Assessments and Taxation (SDAT) is generally not accurate for older buildings.
- Photos of existing conditions.** At least one overall image of the site must be submitted. Large properties with several structures must include multiple images of the overall site from different vantage points. Detail images of each structure that will be affected must be submitted. Images must be clear and must cover the front of the building, the rear of the building, and any site or elements directly affected by the demolition. Please label each photo with the address of the property, the date, and the elevation or view.
- Plot plan.** The plot plan must show the footprint of all structures, lot lines, adjacent streets and alleys, and site features such as fences and parking. The plot plan must indicate if a structure is to be relocated or moved and identify the new location. Plans must be drawn to scale.
- Detailed plans.** Detailed floor plans must be provided for any structure where demolition is limited to one or more exterior walls or partitions removed or more than 25% of its overall gross square footage removed. The plans must indicate the portions to be removed. Plans must be drawn to scale.

OPTIONAL ATTACHMENTS. The following items are not required but may streamline the review process if they are available and included with the application.

- Documentation from the Maryland Inventory of Historic Properties
- Documentation from the National Register of Historic Places or Determination of Eligibility (DOE) Forms
- Historic photographs
- Aerial photographs or maps
- Chain of title



The City of Frederick, Maryland

Building Department

140 W. Patrick St., Frederick, MD 21701 - 301-600-3808 - Fax. 301-600-3826

www.cityoffrederick.com

FOR OFFICE USE ONLY

Appl. # _____

Appl. Type Code: _____

Tax ID #: 02- _____

Appl. Date: _____

BUILDING DEMOLITION PERMIT APPLICATION

Residential OR Commercial

SECTION 1 - Complete in its entirety. Application will NOT be accepted unless all spaces are FULLY completed.

Location Address: _____ Unit # _____
Subdivision: _____ Bldg # _____

APPLICANT Name: _____
Address: _____ State: _____ Zip: _____
Phone No: _____ Fax: _____ E-Mail: _____

Demo Contractor Name: _____
Address: _____ State: _____ Zip: _____
Phone: _____ FAX: _____ E-Mail: _____

General Information BUILDING DEMO INTERIOR DEMO UNDERGROUND TANK REMOVAL

Type Building/Structure: _____ Building Square Footage: _____

Construction Type: _____ Stories: _____ Height: _____ Use Group: _____

Is this demolition in preparation for new improvement plans to the property? YES NO **Total Sq. Ft. of Disturbed Area: _____

** For disturbed area of over 5,000 Sq. Ft. AND demolition is in preparation for new improvement plans to the site, SEC measures are required to be in place)

Description of demolition work being performed _____

For Building and Tank Removal Demos: Site Plan required identifying building location AND distances from property lines and all other structures.

HISTORIC DISTRICT? Yes No HPC Case # _____ HPC Approval Letter Attached? Yes No Other _____

MD. D.O.E. ASBESTOS Is there asbestos located on the property? Yes No
FUEL STORAGE TANK Is there fuel storage tanks located on the property? Yes No

UTILITIES

Indicate types of utilities supplied to the structure by checking the appropriate boxes. Attach a copy of letter and/or receipt from each public utility that indicates that the service has been disconnected, or if a private utility, submit a letter from licensed contractor certifying that the service has been disconnected and/or capped.

COMPLETE THE FOLLOWING REGARDING UTILITIES & OTHER AUTHORIZATIONS

Table with columns: Yes, No, N/A, Attachments (Yes, No), Other Comments. Rows include Gas, Electric, Cable, Telephone, Asbestos, Sprinkler, Fire Alarm, Well, Septic, and Structure has no utilities to disconnect.

PLUMBING DEMO PERMITS REQUIRED

Water* Has water connect been Permanently capped off? Temporarily vacated? N/A
 Sewer* Has sewer connect been Permanently capped off? Temporarily vacated? N/A

*NOTE: A Plumber, licensed with the City, is required to obtain a plumbing permit to cap off both water and sewer if the entire building is to be razed.

Applicant/Owner Initial: _____

Date: _____

The City of Frederick, Maryland
Demolition Permit Application
(Page Two)

FOR OFFICE USE ONLY

Appl. No.: _____

APPLICANT/OWNER CERTIFICATION: The Applicant/Owner hereby certifies and agrees as follows:

That I am the owner, or authorized by the owner to act in their behalf as the owner's agent to make this Application. That the information given herein is true and correct and that all work being done under this application will comply with all applicable Federal, State and Local regulations. That work will be in accordance with and as indicated on the approved site and building plans, review comments, agreements, specifications, etc. unless otherwise approved by the Division Manager of the Building Department. That the Division Manager of the Building Department can revoke the building permit or stop work being done under the building permit for non-compliance with this agreement in part or in whole and that ***all fees are non-refundable and non-transferable***. I further understand and agree that plans will be reviewed, inspections made and occupancy certificates issued, however, I assume ultimate responsibility for compliance of all codes, regulations, etc.

*Property Owner's Signature: _____ Print _____ Title _____

****PROVIDE NOTARIZED AFFIDAVIT FROM PROPERTY OWNER*** if signed by anyone other than Property Owner

Property Owner/Corporate Name: _____ Date: _____
 (Name listed on Deed)

Mailing Address: _____
 City: _____ State: _____ Zip: _____

Phone # _____ Cell # _____ Fax # _____

E-mail Address: _____

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

SECTION II (For Office Use Only)

Residential Demolition Fee \$ _____
 Commercial Demolition Fee \$ _____
 Other _____ \$ _____
 Other _____ \$ _____

Date Paid: _____ Received by: _____
 Date Paid: _____ Received by: _____
 Date Paid: _____ Received by: _____
 Date Paid: _____ Received by: _____

SECTION III (For Staff Use Only)

Review Comments: (please write legibly)

REVIEWED BY: _____ APPROVAL DATE: _____

-Building (Blue) -Planning (Green) -Engineering (Salmon) -Fire Code Review (Yellow) -Other _____ -Other _____

Applicant/Owner Initial: _____

Date: _____

BUILDING DEMOLITION PERMITS **Policies, Procedures and Requirements**

- Before any building can be torn down or razed, a Request for Demolition Review must be applied for and approved. If approved, then a building Demolition Permit must be applied for and approved.
- If the demolition is in preparation for new construction improvement plans to the property, sediment/erosion control is required to be in place for any area disturbance of over 5,000 Sq. Ft.
- If the building or structure is in the Historic District, approval from the Historic Preservation Commission is required prior to application submission. Call the Planning Department at 301-600-1499 for information relating to HDC Approval.
- Interior demolition will require a Building Demolition Permit if structural elements are involved.

MAKING APPLICATION:

- Complete Form, as applicable
 - If property is in the Historic District, provide a letter of approval for this demolition from the HDC
 - Provide detailed description of property being demolished (size, height, etc.)
 - If the disturbed area of demolition is over 5,000 SF, grading and sediment/erosion control must be approved. Contact the Engineering Department (301-600-1405) for further information.
 - Provide four (4) copies of a site plan identifying building location and distances from property line and all other structures.
 - Note any plumbing, electric and/or gas connections that exist.
 - Note any asbestos located in the building.
 - If there is no asbestos, a written affidavit (signed by the owner) to this effect must be filed with the permit application
 - If there **IS** asbestos, see 2nd page: ASBESTOS
 - Identify any sprinkler or alarm system involved within the building.
 - Identify any underground or above-ground fuel tanks.

DEMOLITION PERMIT FEES:

- Fee Residential Demolition (Flat \$64.00)
- Fee for Commercial Demolition (Flat \$128.00)

DEMOLITION PERMIT ISSUANCE: Once a Demolition Permit is approved, it is the applicant's responsibility to make sure that the following items are in place, secured and/or completed BEFORE a call may be made for a "Preliminary Inspection" for final approval to demolish to building. *(Note that all of these items may not apply to each building being razed. Please read carefully and utilize this check list to assure that all directives for items pertaining to your particular permit are followed):*

- WATER/SEWER CONNECTIONS:** It must be verified with the City that water and sewer has been disconnected (capped off) to the building site.
 - Water: Contact: City Water Department @ 301-600-1182
 - Sewer: Contact: City Sewer Department @ 301-600-1176
- PLUMBING DEMO PERMIT REQUIRED:** A Plumbing Contractor, licensed with the City of Frederick, must obtain a plumbing permit to cap off both the water and sewer if the entire building is to be razed. An inspection for this work must be completed and approved by the Plumbing Inspector.

- UTILITIES:** All applicable utility companies must be notified to cut off power and/or service to the building
 - Electric (*Contact Potomac Edison @ 1-800-686-0011*)
 - Gas (*Contact Frederick Gas Company @ 301-662-2151*)

- SPRINKLER SYSTEMS/FIRE ALARMS:** If there are sprinkler systems and/or fire alarms associated with the building to be razed, it is the Owner’s responsibility to notify the Frederick County Fire Marshal’s Office at 301-600-1626.

- FUEL STORAGE TANKS:** It is the owner’s responsibility to notify the Maryland Department of the Environment (MdDOE) prior to removing any underground or above-ground fuel tanks. Contact: MdDOE @ 1-410-537-3443 or see: http://textonly.mde.state.md.us/Programs/LandPrograms/Oil_Control/USHome/index.asp

- STREETS AND SIDEWALKS:**
 - Blocking of Street/Sidewalk: If any street, sidewalk or metered parking space, or portion thereof, needs to be blocked off, permission must be obtained from the City Engineering Department. Contact the Traffic Engineer @ 301-600-1443 for approval. Proper flagmen, barricades, etc., are to be in place on the day demolition is to occur.
 - Dumpsters and/or Trucks on streets/sidewalks/metered parking spaces: Contact the Traffic Engineer @ 301-600-1443 for approval.

- ASBESTOS (in any quantity):**
 - **COPY OF MDE APPROVAL and/or GUIDELINES FOR REMOVAL MUST BE SUBMITTED WITH YOUR APPLICATION.** If there is asbestos located on the property, in any quantity, you must contact the Maryland Department of the Environment (MDE) at 1-410-631-3859 for permission and/or guidelines on removal. (Note that the MDE requires that a minimum 10-day notice be given to them prior to expected demolition so they may have time to inspect, if needed).
 - (*Note: If there is no asbestos located on or within the building being razed, a written affidavit, signed by the Owner, MUST be filed with the Building Permits Office at time of Demolition Permit Application.*)

- PROTECTION OF AREA:**
 - Protection for the general public from demolition debris, etc., must always be provided. The following protective measures are to be used (*Per adopted International Building Code*).

| TABLE 3306.1 PROTECTION OF PEDESTRIANS | | |
|---|--|-----------------------------|
| HEIGHT OF CONSTRUCTION | DISTANCE FROM CONSTRUCTION TO LOT LINE | TYPE OF PROTECTION REQUIRED |
| 8 feet or less | Less than 5 feet | Construction railings |
| | 5 feet or more | None |
| More than 8 feet | Less than 5 feet | Barrier and covered walkway |
| | 5 feet or more, but not more than one-fourth the height of construction | Barrier and covered walkway |
| | 5 feet or more, but between one-fourth and one-half the height of construction | Barrier |
| | 5 feet or more, but exceeding one-half the height of construction | None |
| For SI: 1 foot = 304.8 mm. | | |

3306.1 Protection required. Pedestrians shall be protected during construction, remodeling and demolition activities as required by this chapter and Table 3306.1. Signs shall be provided to direct pedestrian traffic.

3306.2 Walkways. A walkway shall be provided for pedestrian travel in front of every construction and demolition site unless the authority having jurisdiction authorizes the sidewalk to be fenced or closed. Walkways shall be of sufficient width to accommodate the pedestrian traffic, but in no case shall they be less than 4 feet (1219 mm) in width. Walkways shall be provided with a durable walking surface. Walkways shall be accessible in accordance with the Maryland Accessibility Code and shall be designed to support all imposed loads and in no case shall the design live load be less than 150 pounds per square foot (psf) (7.2 kN/m²).

3306.3 Directional barricades. Pedestrian traffic shall be protected by a directional barricade where the walkway extends into the street. The directional barricade shall be of sufficient size and construction to direct vehicular traffic away from the pedestrian path. See Section 3306.3 for barrier design requirements

3306.4 Construction railings. Construction railings shall be at least 42 inches (1067 mm) in height and shall be sufficient to direct pedestrians around construction areas.

3306.7 Covered walkways. Covered walkways shall have a minimum clear height of 8 feet (2438 mm) as measured from the floor surface to the canopy overhead. Adequate lighting shall be provided at all times. Covered walkways shall be designed to support all imposed loads. In no case shall the design live load be less than 150 psf (7.2 kN/m²) for the entire structure.

3306.9 Adjacent to excavations. Every excavation on a site located 5 feet (1524 mm) or less from the street lot line shall be enclosed with a barrier not less than 6 feet (1829 mm) high. Where located more than 5 feet (1524 mm) from the street lot line, a barrier shall be erected when required by the building official. Barriers shall be of adequate strength to resist wind pressure as specified in Chapter 16.

[F] **3309.1 Where required.** All structures under construction, alteration or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with Section 906 and sized for not less than ordinary hazard as follows:

1. At each stairway on all floor levels where combustible materials have accumulated.
2. In every storage and construction shed.
3. Additional portable fire extinguishers shall be provided where special hazards exist, such as the storage and use of flammable and combustible liquids.

3311.4 Water supply. Water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material accumulates.

3311.2 Buildings being demolished. Where a building is being demolished and a standpipe exists within such a building, such standpipe shall be maintained in an operable condition so as to be available for use by the fire department. Such standpipe shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

SECTION 3307 PROTECTION OF ADJOINING PROPERTY

3307.1 Protection required. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected. Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation.

INSPECTIONS:

- **PRELIMINARY INSPECTION:** Prior to any demolition activity, a Preliminary Inspection is required to be performed by the Building Inspector to ensure that structure is ready to be razed. *(Contact the Building Department at 301-600-3819 or 3801).*

DEMOLITION: Once inspection has been completed and approval given for demolition to begin, the following procedures are to be adhered to:

- **CENTRAL ALARM:** The owner is responsible for notifying Central Alarm before demolition of the structure can begin. *Contact Central Alarm at 301-600-1478.*
 - **DUST:** Any dust must be contained. Water down is acceptable. A hose bib must control backflow. *(Note: It is ILLEGAL to connect to a fire hydrant).*
 - **DEBRIS:** Debris be removed and disposed of in accordance with all local laws.
 - **FOUNDATION:** The foundation shall be immediately filled after cleanup and the lot shall be graded, seeded and returned to a mow able lawn.
 - **GRADING, SEEDING & LAND RESTORATION:** All shall be done in accordance with City Specifications.
- **FINAL INSPECTION:** Once demolition has been completed, a final inspection is to be performed. *(Contact the Building Department at 301-600-3819 or 3801).*
- **CONTACTS:**

| | |
|---------------------------|----------------------|
| Permits Coordinator | 301-600-3829 |
| Building Inspector | 301-600-3819 or 3801 |
| Plumbing Inspector | 301-600-3820 or 3821 |
| Electrical Inspector | 301-600-3822 or 3823 |
| City Planning Department | 301-600-1499 |
| City Water Dept | 301-600-1182 |
| City Sewer Dept | 301-600-1176 |
| City Engineer's Office | 301-600-1405 |
| City Traffic Engineer | 301-600-1443 |
| Frederick Co Fire Marshal | 301-600-1626 |
| Central Alarm | 301-600-1478 |
| MD Dept of Environment | 410-537-3000 |
| Potomac Edison | 1-800-686-0011 |
| Frederick Gas Company | 301-662-2151 |

PLEASE NOTE: It is the Applicant's responsibility to meet all codes. Proceeding without following the required steps may result in the issuance of citations for any violation.



HOW TO FILE FOR ARTICLE 85 DEMOLITION DELAY

Before demolishing a building in Boston 50 or more years old – or any building no matter how old in certain areas of the City – you must submit an Article 85 application. You have two options:



BEFORE YOU GET STARTED - IN PERSON

ABOUT ARTICLE 85 DEMOLITION DELAY

The [Boston Zoning Code \(http://www.bostonredevelopmentauthority.org/zoning\)](http://www.bostonredevelopmentauthority.org/zoning) was amended in 1995 to include a demolition delay policy called [Article 85 \(http://www.bostonredevelopmentauthority.org/getattachment/a1ad24c8-1478-4e6e-875f-84548e2556c3\)](http://www.bostonredevelopmentauthority.org/getattachment/a1ad24c8-1478-4e6e-875f-84548e2556c3). The article provides a predictable process for reviewing requests to demolish buildings by:

establishing a waiting period to consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City

providing an opportunity for the public to comment on the demolition of a particular building, and

minimizing the number and extent of building demolition where no immediate re-use of the site is planned.

WHAT BUILDINGS ARE SUBJECT TO ARTICLE 85?

All buildings located in either the Downtown or [Harborpark \(https://www.boston.gov/sites/default/files/embed/file/2018-05/42a_1990-harborpark-plan.pdf\)](https://www.boston.gov/sites/default/files/embed/file/2018-05/42a_1990-harborpark-plan.pdf).

All other buildings at least fifty years of age.

All buildings located in a [Neighborhood Design Overlay District \(http://www.bostonredevelopmentauthority.org/research-maps/maps-and-gis/zoning-maps\)](http://www.bostonredevelopmentauthority.org/research-maps/maps-and-gis/zoning-maps).



COMPLETE YOUR APPLICATION

Please read the [Article 85 Regulations](#)

(http://documents.boston.gov/images_documents/Demo%20Delay%20Regulations%2010-09_tcm3-50391.pdf) before submitting the [Article 85 application](#)

(http://documents.boston.gov/images_documents/Article%2085%20Application_tcm3-39742.pdf).

You can either print out the application or pick one up in Room 709.

The following documents are **required** as part of the application:

photographs of the property and neighboring properties (all photographs must be keyed to a map)

a map showing the property (maps are available on the [Assessor's website](#) (<https://www.cityofboston.gov/assessing/search/>) or through the [Boston Planning & Development Agency](#) (<http://www.bostonredevelopmentauthority.org/research-maps>))

a plot plan

plans and elevations if a new structure is proposed

proof of ownership, and

the notarized signatures of the owner and applicant. (Please note: both are always required.)

Specific details about document requirements are listed in the application itself. The 10-day staff review does not begin until the application is complete. See our [top 10 tips for preparing your Article 85 application](#) (https://documents.boston.gov/images_documents/Article%2085%20Top%20Ten%20Tips%20printable_tcm3-48342.pdf).



BRING YOUR APPLICATION TO US

You can drop off complete applications whenever City Hall is open. Business hours are Monday through Friday, 9 a.m. - 5 p.m.:



Boston, MA 02201

Please note: our staff is not able to review applications for completeness before it is submitted.



WAIT TO HEAR FROM US

Landmarks Commission staff will review each **complete** application within 10 calendar days and get back to the applicant with a determination. Using the specific criteria in [Article 85](#) (<http://www.bostonplans.org/getattachment/a1ad24c8-1478-4e6e-875f-84548e2556c3>), the building is “significant” or “not significant.”

If it is significant*, we schedule a public hearing within 30 days. However, the applicant is required to hold a community meeting presenting alternatives to demolition prior to the Boston Landmarks Commission hearing. Check with staff about the process. You can also [read more about these requirements and the public hearing process](#)

(https://documents.boston.gov/images_documents/Article%2085%20Demolition%20Delay%20Determination%2013_tcm3-39743.pdf).

Keep in Mind

*“Significant” means something very specific in Article 85 review, it is not an arbitrary determination. The five criteria staff use to determine significance are listed in [Article 85-5.3](#) (<http://www.bostonplans.org/getattachment/a1ad24c8-1478-4e6e-875f-84548e2556c3>). There is a common misconception that a property is not worthy of preservation if it's not included in:

an official governmental list

a register of historic places, or

an inventory, survey, preservation report, or study, or something similar.

There are many as yet unidentified significant (historic) properties all over Boston.

CONTACT:

[LANDMARKS COMMISSION \(/DEPARTMENTS/LANDMARKS-COMMISSION\)](#)



[BLC@BOSTON.GOV \(MAILTO:BLC@BOSTON.GOV\)](mailto:BLC@BOSTON.GOV)



1 CITY HALL SQUARE
ROOM 709
BOSTON , MA 02201
UNITED STATES

SUGGESTED CONTENT

We're testing out suggested content on Boston.gov below. If you see anything out of place, let us know at [feedback@boston.gov \(mailto:feedback@boston.gov\)](mailto:feedback@boston.gov).

[SPARK Boston](#)

We want to empower 20- to 34-year-olds to play a greater role in planning for the City's future.

<https://www.boston.gov/departments/neighborhood-services/spark-boston>

[SPARK Boston Council](#)

Advisers The SPARK Boston Council advises the Mayor on City policies and programs affecting 20- to 34-year-olds. Leadership staff from the Mayor's te...

<https://www.boston.gov/departments/neighborhood-services/spark-boston/spark-boston-council>

[SPARK Boston Council](#)

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<https://www.boston.gov/spark-boston-council>

[BOS:311 - REPORT AN ISSUE \(HTTP://WWW.CITYOFBOSTON.GOV/311/\)](http://WWW.CITYOFBOSTON.GOV/311/)

[PRIVACY POLICY \(/DEPARTMENTS/INNOVATION-AND-TECHNOLOGY/TERMS-USE-AND-PRIVACY-POLICY\)](/DEPARTMENTS/INNOVATION-AND-TECHNOLOGY/TERMS-USE-AND-PRIVACY-POLICY/)

[CONTACT US \(/DEPARTMENTS/MAYORS-OFFICE/CONTACT-BOSTON-CITY-HALL\)](/DEPARTMENTS/MAYORS-OFFICE/CONTACT-BOSTON-CITY-HALL/)

[ALERTS AND NOTIFICATIONS \(/DEPARTMENTS/EMERGENCY-MANAGEMENT/CITY-BOSTON-ALERTS-AND-NOTIFICATIONS\)](/DEPARTMENTS/EMERGENCY-MANAGEMENT/CITY-BOSTON-ALERTS-AND-NOTIFICATIONS/)

[PUBLIC RECORDS REQUESTS \(/DEPARTMENTS/PUBLIC-RECORDS\)](/DEPARTMENTS/PUBLIC-RECORDS/)