

# 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

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## AGENDA

Historic Preservation Commission  
Cumberland City Hall, Council Chambers

DATE: January 08, 2020

### APPROVAL OF MINUTES

- [1.](#) Minutes from the November 20, 2019 meeting of the Historic Preservation Commission

### PUBLIC COMMENT

### OTHER BUSINESS

- [2.](#) A progress report will be provided by staff regarding the status of research related to the columns located at the intersection of South Allegany Street and Avirett Avenue. A property owner has requested the local designation of these columns.
- [3.](#) 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.

Also, a copy of the 1976 Architectural and Historic Survey of the City of Cumberland, Maryland by Land and Community Associates of Charlottesville, VA, often referred to as the Keller Report, has been provided as a reference document

- [4.](#) Examples have been provided of a procedure to consider existing or potentially significant historic structures when demolition permits are requested.
- [5.](#) This action will provide the election of the 2020 Chairperson, Vice-Chairperson, and Secretary.
- [6.](#) There were no Certificates of Appropriateness that were reviewed or processed administratively by staff since the December 11, 2019 meeting.

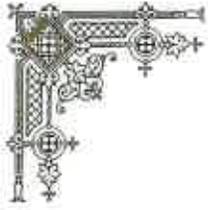
### ADJOURNMENT

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 November 20, 2019 meeting of the Historic Preservation Commission



# *City of Cumberland*

## MINUTES

### HISTORIC PRESERVATION COMMISSION

November 20, 2019

The Cumberland Historic Preservation Commission held its regular meeting on Wednesday, November 20, 2019, at 4:00 p.m., within the Council Chambers of City Hall. Members present were Chairperson, Ms. Suzanne Wright, Dr. Michael T. Garrett, Mr. Chris Myers, Dr. Stephen Gibson and Mr. Mike Llewellyn, Esq.

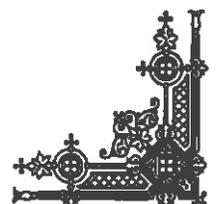
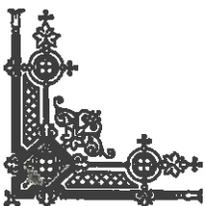
Others in attendance were Kathy McKenney, Community Development Programs Manager, Debbie Helmstetter, Code Technician.

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.



CUMBERLAND HISTORIC PRESERVATION COMMISSION  
P. O. BOX 1702  
CUMBERLAND, MARYLAND 21501-1702



## **APPROVAL OF MINUTES**

- 1. Minutes for October 16, 2019 were approved as written. Dr. Michael Garrett made the motion to approve the minutes and Mr. Mike Llewellyn seconded the motion. All members were in favor; motion approved.*

## **PUBLIC COMMENT**

No comments.

## **CONSENT AGENDA**

- 1. 52 Baltimore Street - CBIZ - is requesting to change/amend COA 821 to replace existing rooftop HVAC units. The applicant did not show up during the meeting therefore; the change/amendment will be move to next month's agenda in December.*

## **CERTIFICATES OF APPROPRIATENESS**

No additional Certificates of Appropriateness.

## **STAFF UPDATES**

- 1. Ms. McKenney would like to get some general feedback to the new agenda format it seems user friendly, Ms. McKenney did notice a cliché that it did not pick up the address as a separate item on the agenda. So Ms. McKenney will work on getting that corrected. Chairman Suzanne Wright would appreciate a print out with the COA numbers on it.**
- 2. In addition, the request for proposals for the Economic Impact of the Historic Preservation project is now out. The City has had feedback from two venders who requested a copy of it, so hopefully the City will get more interest in it. The packet has just been out in the past week and the bids are due back in by December 18, 2019 for public opening.**
- 3. Chairperson Wright would like the board to do a drive by of the six individually listed structures in Cumberland currently located in Locally Zoned Historic District.**

- a. Bell Tower Building (24 Frederick Street) CPPD
- b. B'er Chayim Temple (107 West Union Street) CPPD
- c. Cumberland City Hall (57 North Liberty Street) CPPD
- d. Footer's Dye works (2 Howard Street) CPPD
- e. Public Safety Building (19 Frederick Street) CPPD
- f. Western Maryland Railway Station (13 Canal Street) CPPD

*After discussion, Dr. Stephen Gibson made the motion that letters be sent to the properties on the list that has already shown an interest in preservation between 16 Altamont Terrace and the Wright Butler House (205 Columbia Street) to initiate a conversation between property owners, the Commission and staff whether they are interested in exploring possibility of being locally designated. Mr. Mike Llewellyn seconded the motion. All members were in favor; motion approved.*

4. Ms. McKenney announced that Caroline from Preservation Maryland was present for the workshop to begin at 6:00 pm.

#### **ADMINISTRATIVE APPROVALS**

1. 111 Washington Street - amended approval for the Lutheran Church for painting.

#### **CHAIRPERSON UPDATES**

1. Chairperson Suzanne Wright hoped everyone received an email on Ms. McKenney work, this past summer, putting together information on the different kinds of designation, neighborhood designation, specific structure designation; local vs state and federal. Chairperson Wright would like to put together something for Preservation Week by enlisting the support of the public to identify properties that might become locally designated.

**An audio of the meeting will be available upon request.**

**ADJOURMENT**

**Mr. Mike Llewellyn made the motion to adjourn and Dr. Stephen Gibson seconded the motion. All members were in favor; motion approved.**

**Respectfully,**

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**Dr. Stephen Gibson, Secretary**

**December 11, 2019**

**Item Attachment Documents:**

3. 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.

Also, a copy of the 1976 Architectural and Historic Survey of the City of Cumberland, Maryland by Land and Community Associates of Charlottesville, VA, often referred to as the Keller Report, has been provided as a reference document

# CUMBERLAND HISTORIC STRUCTURE NOMINATION FORM

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

CUMBERLAND HISTORIC PRESERVATION COMMISSION  
57 North Liberty Street, Cumberland, Maryland 21502 (301) 759-6431

This nomination form is designed to provide the Historic Preservation Commission with the necessary data to able to evaluate the significance of the property for possible designation as a locally zoned historic site/ structure. Staff assistance is available to answer any questions you may have in regards to this form.

Please fill out all of the sections so that staff has enough information to properly evaluate the nomination. **In cases where insufficient documentation has been submitted, staff may need to return the form to the applicant so that the 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:

- Building Identify each building if more than one:
- Structure e.g. gate, wall, bridge :
- Object e.g. milestone:
- 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 <input type="checkbox"/>	Prehistoric <input type="checkbox"/>	Occupied <input type="checkbox"/>	Original Site <input type="checkbox"/> Moved <input type="checkbox"/>
Commerce <input type="checkbox"/>	1634-1699 <input type="checkbox"/>	Unoccupied <input type="checkbox"/>	
Entertainment <input type="checkbox"/>	1700-1799 <input type="checkbox"/>	Offered for sale <input type="checkbox"/>	Year moved: _____
Government <input type="checkbox"/>	1800-1899 <input type="checkbox"/>	Under renovation <input type="checkbox"/>	
Industry <input type="checkbox"/>	1900-Present <input type="checkbox"/>	Process of transfer <input type="checkbox"/>	
Military <input type="checkbox"/>		Proposed for demolition <input type="checkbox"/>	
Museum <input type="checkbox"/>			
Park or Recreation <input type="checkbox"/>			
Private Residence <input type="checkbox"/>			
Religion <input type="checkbox"/>			
Science <input type="checkbox"/>			
Transportation <input type="checkbox"/>			
Other <input type="checkbox"/>			

## 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 personality, group, event, or series of events of 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 | <input type="checkbox"/> Deteriorated |
| <input type="checkbox"/> Good      | <input type="checkbox"/> Ruins        |
| <input type="checkbox"/> Fair      | <input type="checkbox"/> 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 owner 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

*In order to expedite your request, appointments are recommended*

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. <http://www.marylandhistoricaltrust.net>
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 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 personality, group, event or series of events of 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*
6. **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.

*Please submit old 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.*

ARCHITECTURAL AND HISTORIC SURVEY  
OF THE  
CITY OF CUMBERLAND, MARYLAND

Land and Community Associates  
Charlottesville, Virginia  
1976

This study was made in accordance with the Community Development Act of 1974.

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NEIGHBORHOOD RECOMMENDATIONS

APPENDIX A

NEIGHBORHOOD MAP  
NEIGHBORHOOD RECOMMENDATIONS  
NEIGHBORHOOD SUMMARY

484  
49  
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APPENDIX: NATIONAL REGISTER CRITERIA AND ELIGIBILITY

ELIGIBILITY FOR THE NATIONAL REGISTER OF HISTORIC PLACES  
NATIONAL REGISTER CRITERIA  
NATIONAL REGISTER ELIGIBLE DISTRICTS MAP

58  
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67

Faint, illegible text and graphics, likely a map or detailed list of neighborhood recommendations, including various numbers and possibly names of neighborhoods or districts.

# THE SURVEY



THE  
SUN  
SHINE

## FORWARD

This working document, like the historic sites inventory forms volume and the inventory digest, is designed to show the City of Cumberland what architecturally and historically valuable areas and buildings it has. While the inventory forms and digest describe the aesthetic and historic qualities of these buildings and areas, this document outlines to the city the usefulness of these old landmark and architecturally interesting buildings. The conservation and enhancement of these buildings and their neighborhoods is critical to the continued pleasing cityscape of Cumberland. Unlike some cities, Cumberland has a unique historic and architectural legacy. Its Federal/Greek Revival rowhouses, Italian villas, Colonial Revival mansions, rows of shed-roofed houses with bracketed cornices, and picturesque fire houses will never be recreated. Even more importantly, the unique aesthetic and social qualities of the city's many historic neighborhoods cannot be recreated. Enough of these areas have already been cleared or fragmented through large-scale demolition in the 1960's and early 1970's. It is our hope that this survey, undertaken conscientiously and enthusiastically, will make the city not only more aware of its architectural resources but also concerned about the conservation of its indigenous architectural heritage.

Bibliographical references appear in the margins on the pages on which they occur. For complete information about these books and articles, the reader must consult the full bibliography at the end of this working document. The bibliography is intended to guide the Community Development Programs and the current Advisory Commission on Historic Matters in assembling a core library. Other margin notes serve as cross references to relevant sections within the working document.

## THE SURVEY

The primary goal of this architectural and historic survey was to document verbally, photographically, and graphically, in a limited amount of time, both the visual character of the city's fifteen official neighborhoods and the architectural and historically significant objects, sites, buildings, structures and districts within the city. Commissioned to meet the city's federal requirements under the Community Development Act of 1974, this survey should serve as a basis for any initial historic preservation or urban conservation planning undertaken by the City of Cumberland. Divided into three phases, the survey was designed as a three-part study consisting of a visual overview and historical orientation phase; an inventory phase in which significant elements identified in phase one were documented; and a recommendation phase in which emphasis was placed on determining implementable conservation actions for the city.

This working document is one of three products resulting from the survey. All three must be used together to gain full benefit of the survey. Volume 1 contains historic site inventory forms provided by the Maryland Historical Trust. These forms document significant objects, sites, buildings, structures, and districts in the city. Volume 2 is a concise digest of the inventory forms which allows the reader to quickly locate relevant information about representative buildings contained within documented districts. This working document, Volume 3, contains recommendations for how the city can best use the information in Volumes 1 and 2 for planning and for successful urban conservation.

Since Cumberland is a very dense, urban area in which a significant portion of the building stock is over fifty years old, it was necessary to develop and use a process which allowed the identification and documentation of large numbers of buildings in a limited geographic area. Using as citizen liaison, a local historian and retired fireman Herman Miller, during phase one enlarged the scope of the visual analysis to a cultural analysis as well. The citizen liaison identified cultural, ethnic, and other distinct areas of the city and supplemented the architectural analysis with cultural and historical information about events, personalities, buildings, and

areas. The city engineering department supplied the survey team with maps of each addition to the city from the original plats laid out in 1806 to the present. These maps were consolidated to prepare a growth map of the city identifying areas of historical interest and documenting the physical growth of the city. Specific documentation of individual buildings came primarily from using a plan-view map (c. 1853-1858) of the city showing individual building locations, from comparing an 1873 bird's eye map of the city with an 1875 plan map of the city prepared by the O. W. Gray and Son Company of Philadelphia, and from using the over eight-thousand building permits issued to city residents between 1901 and 1926. These resources, in effect, provided documented physical evidence at twenty-five year intervals. The early twentieth-century building permits provided a wealth of information about architects, builders, and speculators active in this very important growth period of the city. These resources, the building permits and addition maps, should be recognized as having archival value for the city and protected as irreplaceable documents in the city's history.

This survey can serve as a foundation for an effective local urban conservation program and as a starting point for the development of positive programs to conserve, restore, and enhance the city's resources. The three volumes of the architectural and historic survey contain the following information and potentials for positive action:

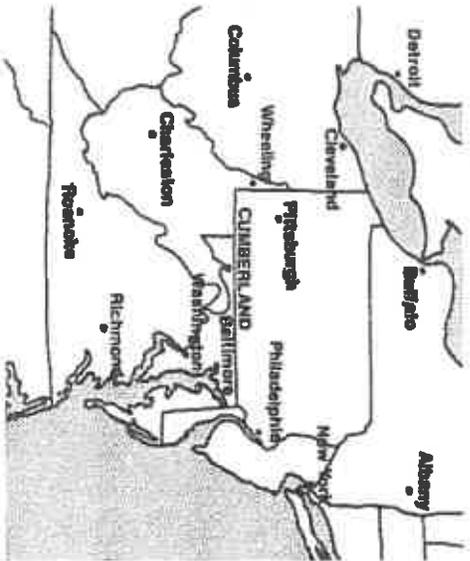
- 1) Identification of objects, sites, structures, buildings, and districts which meet the criteria established for inclusion in the National Register of Historic Places. This identification enables the City of Cumberland to meet the requirements of existing Federal legislation and procedures pursuant to the Historic Preservation Act of 1966 and Executive Order 11593 issued May 13, 1971.
- 2) Definition of areas to be designated as local control areas.
- 3) Establishment of local priority areas for conservation, restoration, and rehabilitation.
- 4) Identification of specific design characteristics of areas and recommendations for enhancement plans.

- 5) Impetus for the creation of official local programs such as enactment of a protective local ordinance, housing rehabilitation, urban homesteading, and neighborhood enhancement.
- 6) Recommendations for appropriate renovation and construction guidelines in historic areas.
- 7) Identification of a data base to be used to monitor and channel development, to ensure that the conservation of the city's physical resources is considered as a component of the planning process.
- 8) Public education and awareness of local officials, business people, and residents to the beauty, character, and historic significance of the City of Cumberland.

#### CUMBERLAND: ITS PHYSICAL AND CULTURAL HISTORY

The character of Cumberland's cityscape is not simply the product of the architecture of its historic buildings; nor is it due to the splendid mountain setting, its dense urban streets, and generally uniform alignment of groups of buildings. Instead, it is a product of all the physical elements of the city, as well as the combined impact of the symbolic historical and cultural significance of the area. No single element exclusively contributes to Cumberland's unique character. Located in Western Maryland on the Potomac River, the City of Cumberland, principal city and county seat of Allegany County, stands in a valley with great national importance as a major transportation center in the nineteenth century. (Map 1) The Narrows, a well-known mountain gap provided a route for the Old National Highway, now U. S. Route 40, and a major means of westward expansion.

The original town of Cumberland was almost entirely located on the west side of Will's Creek in the late eighteenth century. Most of the houses were built along what is now Greene Street although several were erected in the Washington Street area which was the site of Port Cumberland. Mechanic Street, located on the opposite side of the creek, was the major street where mechanics and artisans lived and worked. Still a street of mixed commercial



Map 1

and residential uses. Mechanic Street has undergone many changes. A catastrophic fire--the Great Fire of 1833--destroyed much of the part of North Mechanic Street near the present Baltimore Street. The rebuilding of the street indicated the growth and beginning prosperity of the city as thirteen new stores replaced six which burned.

The incorporation of the town in 1834 officially indicated the development of the early fort settlement. By 1835, there were five churches in Cumberland and the rebuilt houses along North Mechanic Street were beginning to be described as "large and substantial." The paving of Washington Street in 1838 and of Baltimore, Liberty, Bedford and George Streets in 1843 were other significant steps in the urbanization of Cumberland.

The arrival in 1842 of the railroad and its subsequent development greatly affected the physical growth of the city. Those areas of the city nearest the railroad developed in a tight, dense pattern during mid to the late nineteenth century. Street improvements soon occurred for historic Fulton and Polk Streets. Deatur Street was sufficiently developed to require sidewalks as early as 1847. The Academy, the fine Greek Revival building opposite the Washington Street Courthouse, was built shortly thereafter in 1849. The Chesapeake and Ohio Canal, begun on the same day as the Baltimore and Ohio Railroad, finally arrived in Cumberland in 1850. The historic Chesapeake and Ohio Canal built from Georgetown to Cumberland is an integral part of Cumberland's history. From the mid-nineteenth century until well into the twentieth-century, Cumberland was a center of national attention, a major transportation center, and its lively and vigorous local architecture symbolizes these dynamic years of Cumberland's history.

The railroad probably exerted more influence on the physical appearance and growth of Cumberland than any other single factor. The railroad caused the city to grow from a small settlement into a busy, bustling Victorian city as passenger travel exerted a strong influence on the city. Since Cumberland was first the terminus of the Baltimore and Ohio Railroad and later a major stop-over in many western routes, hotels, department stores, specialty shops, lunchrooms, and saloons grew up in the center of the city. Although much of the physical heritage of the grand railroad era--

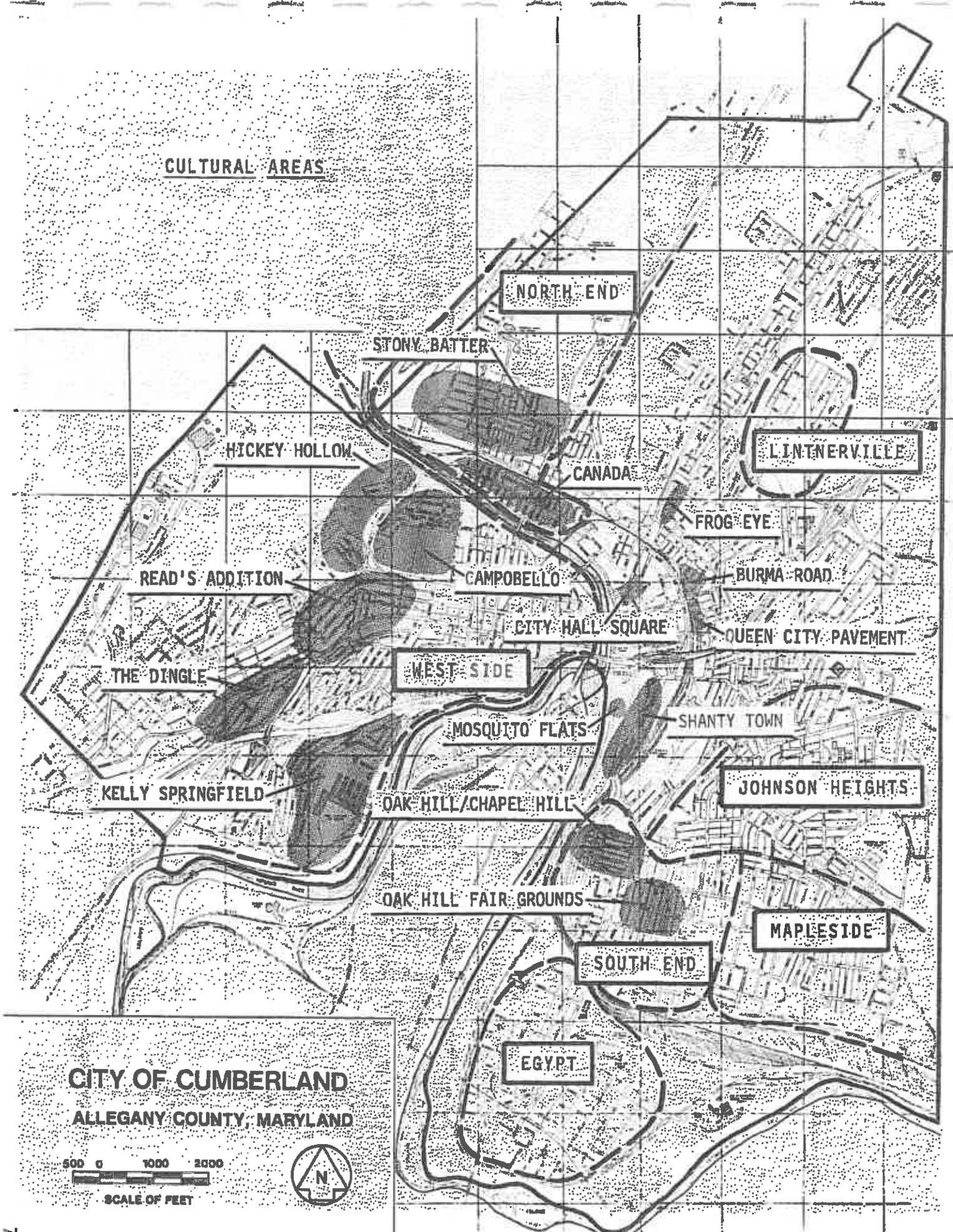
the Queen City Hotel, the Windsor Hotel, the original station and repair shops, and many of the warehouses--no longer exists, many imposing and interesting buildings still exist in the Central Business District. Late nineteenth and early twentieth-century commercial buildings still dominate Baltimore Street, giving it a strong Victorian character which evokes the image of the solid, industrial and entrepreneurial spirit of turn-of-the-century Cumberland. Both the Queen City Pavement and Henderson Avenue still boast buildings important in the railroad era.

The railroad and canal were not Cumberland's only industries. The associated railroad rolling mill on Williams Street was a major industry between its founding in 1870 into the twentieth century. Although the rolling mill changed hands several times and its closing for several years in the late nineteenth century caused grave hardship and a virtual building standstill, it was also a major influence in the growth and development of Cumberland's east side--the Williams Street and Maryland Avenue area. A cotton mill existed as early as 1869 on North Centre Street in one of the buildings recently used by the Cumberland Brewing Company. Several glass industries located in Cumberland; many simple houses in working-class neighborhoods were the homes of glass workers. Early in the twentieth-century Footer's Dye Works, a cleaning and dye establishment, was a major national industry; and several of the original buildings remain on Howard and Winnow Streets.

The railroad, again, caused tremendous social and physical changes near the turn-of-the century when the B & O Railroad repair shops located at the southern part of the city providing impetus for a major building effort in the area known as South Cumberland.

The last major building boom in Cumberland occurred in 1920 after the Kelly Springfield Tire Company announced its decision to locate in the city. The company built a number of prefabricated homes for its workers in the area adjacent to the plant and several substantial and pleasant bungalows in the then new Johnson Heights section of the city. The Cumberland Homes Improvement Company also engaged in a major building effort on the West Side in the Greene Street, Geppart Drive, Braddock Road area.

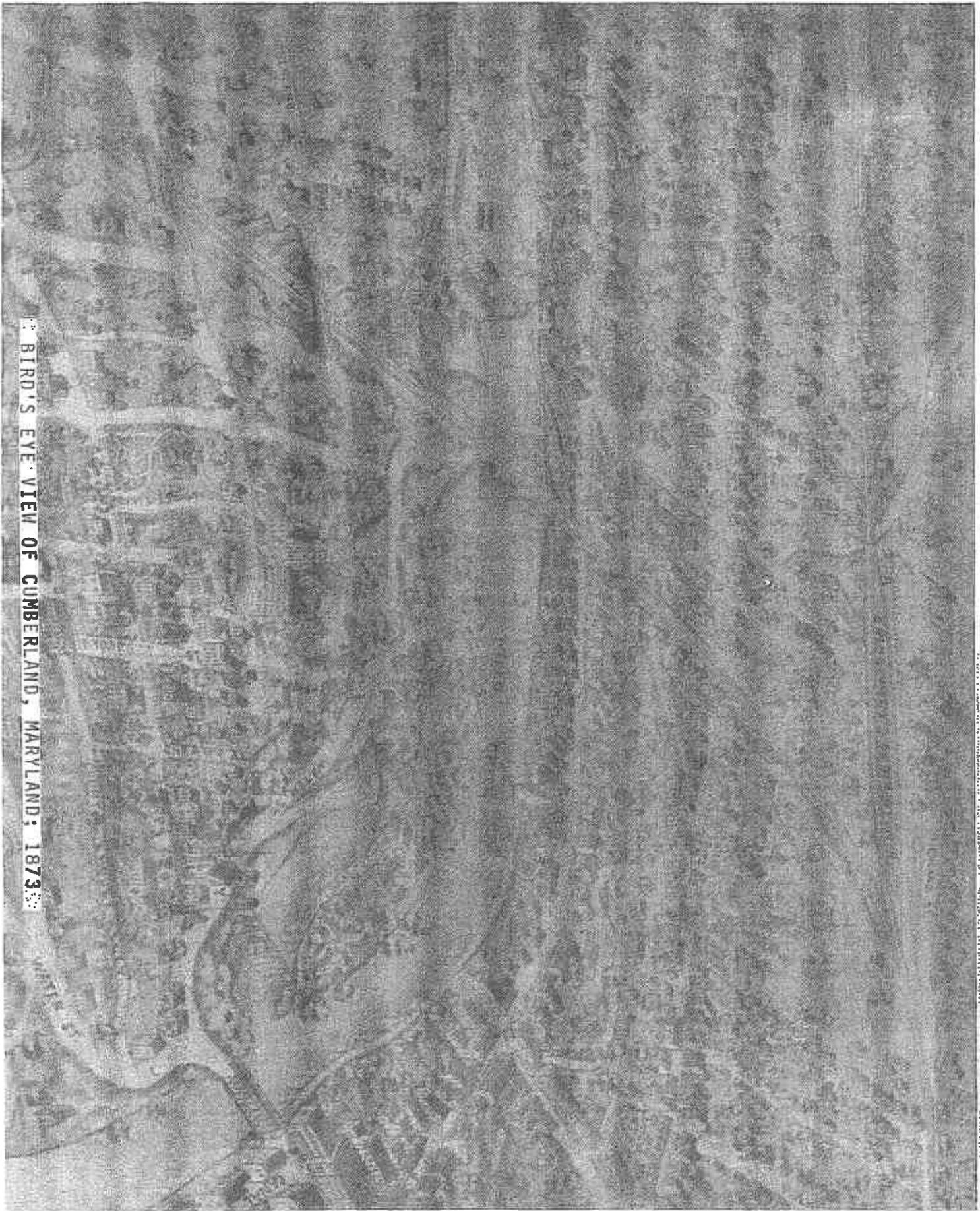
**CULTURAL AREAS**



**CITY OF CUMBERLAND  
ALLEGANY COUNTY, MARYLAND**



BIRD'S EYE VIEW OF CUMBERLAND, MARYLAND: 1873.

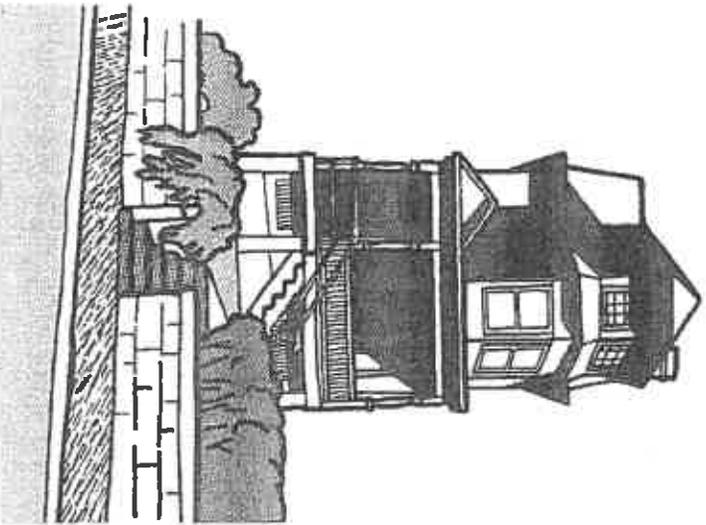


Although each successive building effort was different, the city's distinctive, geographical setting caused most building to occur in dense patterns. Topographic restraints allowed hillside development such as Haverly Terrace and Broadway Street to enliven the cityscape by adding variety. Cumberland, because of its unique role in American industrial history, has one of the most representative architectural heritages in this country.

Diverse ethnic groups have also enriched Cumberland's cultural and physical history. Irish canal builders, German brewers and glass workers migrated to Cumberland in large numbers. The German population exerted an especially strong influence on Cumberland and retained its strong ethnic character until after the first World War. German settlement occurred mainly in the city's North End--the area locally called the Dumbhundred and an area traditionally inhabited by brewery, railroad, and glass workers. Cumberland's total built environment--including industrial plants, commercial buildings and the residences of both workers and affluent community leaders--is an architectural and historic resource with few national parallels.

#### SIGNIFICANT ARCHITECTS AND BUILDERS

A number of architects of both national and local importance have practiced in Cumberland. Probably, the best known is Bruce Price, a Cumberland native and nationally recognized nineteenth-century architect. Born in 1845 in the now-demolished governor Lowdes house on Washington Street, Price studied architecture in Baltimore and in Europe and began practicing in Baltimore in 1869. In 1874 he moved to Wikes-Barre, Pennsylvania where he practiced until 1877. After this date he moved his office to New York City. Better known locally as the father of Emily Post, Bruce Price is acclaimed as the architect of the Chateau Frontenac, Quebec, the Welch Dormitory at Yale University, and many residences at the New York development of Tuxedo Park. His two known works in Cumberland are the present First National Bank building on Baltimore Street and the parish house addition to the Emmanuel Episcopal Church designed by John Notman. Price may have also designed local residences on Washington Street although no known documents associate the architect with specific houses.



The architectural work of Wright Butler is of major importance to the architectural heritage and character of Cumberland. A son of one of the city's foremost furniture manufacturers, H. Kennedy Butler, the younger Butler is believed to have studied architecture at the Maryland Institute of Baltimore for about three years before opening an office in Cumberland in 1891. His first major commission was the imposing Romanesque Revival Allegany Court House on Prospect Square in the Washington Street area. Incredibly prolific in the number of designs he supplied in his hometown, Butler left his mark in almost every section of the city in both commercial and residential buildings. Other major works include the Masonic Temple on the site of Fort Cumberland, the present Liberty Trust Bank building on Baltimore Street, the Stein-Curl Building on North Centre Street, and the Schwarzenbach Store on Baltimore Street. Butler designed a number of fine Queen Anne style and Colonial Revival homes on Washington Street in the early twentieth century. Among his notable works are the Devecnor-Franklin residence at 214 Washington Street and his remodeling of 213 Washington Street. The homes he later designed in the Mountain View-Magruder Street area on the west side of Cumberland exhibit more restrained but are representative of the less exuberant Georgian and Spanish mission styles popular in the second and third decades of this century. Butler's own home at 205 Columbia Street in the North End is a delightful, vertical, city adaptation of the Queen Anne style to meet the restrictions of a narrow city lot as is the Footer House at 301 Decatur Street. Butler excels in his manipulation of materials--shingle, brick, tile, slate, and stone. He was a local pioneer in using concrete block as an exposed wall surface material and hollow tile walls covered with cement stucco. His trademarks--shingled rounded towers, stone lintels, dormer windows, dropped cornices, and oculus attic openings--are characteristic city elements. He often complemented the towns of his buildings with handsome stone walls which are still pleasing elements on both Columbia and Decatur Streets. This local architect has contributed much to the architectural quality and interest of Cumberland. Wright Butler is one of a number of little known turn-of-the-century architects who are just beginning to emerge as regional arbiters of taste and masters of local and regional significance.

George Flack Sansbury appears to be the major architectural contemporary of Wright Butler. An 1896 graduate of the Maryland

Institute, Sansbury was first employed in the office of local architect Herman Schneider. In 1900 Sansbury opened his own office. Although less whimsical and elaborate in his work than Butler, Sansbury also contributed much to Cumberland's architectural character. Sansbury designed a number of houses on Washington Street, including the Tudor Revival double house he designed for himself. His works include a number of substantial and pleasant homes in many areas of the city. His early bungalows in the Columbia-Shriver Avenue area known as Stony Batter are especially distinctive as is his treatment of the Cumberland Office and Supply Company on North Liberty Street and the plant store at 101 South Centre Street. Also of special interest is the bank building at the underpass on Virginia Avenue which he designed for the Cumberland Savings Bank.

John S. Seibert, a native of Germany, was born in 1864 and graduated in 1886 from Lehigh University with a degree in Civil Engineering. After practicing architecture for several years in Bethlehem and Allentown, Pennsylvania and in Washington, D. C., Seibert moved his office to Cumberland where he undertook both commercial and residential work. His most outstanding local work is the department store building he designed at 118 Baltimore Street for the Rosenbaum family although he also designed several pleasant local residences.

The Baltimore architecture firm of Holmboe and LaFerty designed several buildings in Cumberland. Their city hall building is currently listed on the National Register of Historic Places. The Columbia Street school, while not outstanding, is a successful and compatible, in-fill public building with interesting crenolation and use of color in a dense, residential neighborhood. The out-of-town firm's most interesting building, however, is the Dr. Thomas Koon's House at 221 Baltimore Avenue. The only "prairie style" house in Cumberland, this former mayor's home built in 1912 is a unique and valuable element in the cityscape. Although the abstract stencilled designs under the overhanging roof are deteriorated, this house with its clean modern lines and tile roof definitely deserves a place in the architectural history of the city.

Other architects, of course, have contributed to Cumberland's design heritage. John Notman, nationally recognized nineteenth-

century architect, was the architect for Emmanuel Episcopal Church. The Philadelphia firm of Hodgens and Hillis designed the art deco style Embassy Theatre on Baltimore Street. Another local architect T. M. Biddle designed several residences in the nineteen-thirties, which may warrant further investigation in later years.

Architects were not the only individuals responsible for design in Cumberland. Throughout the years countless residents have designed and remodeled pleasing homes and businesses. Local builders and contractors, however, have been the other major force in giving form to the physical growth of the city. Often involved in speculation and development, these builders exerted a tremendous impact in several areas.

The earliest known builder in Cumberland, John Walton, worked on Emmanuel Episcopal Church, the Academy, and the Gordon House (History House). He was a contemporary of Francis Haley, Cumberland's leading manufacturer of brick in the late nineteenth century. At the turn-of-the-century, Cumberland boasted a number of contractors, builders, and carpenters who designed and built many of the residences still standing today. Many of the builders worked in conjunction with the architects mentioned above. Notable builders of this group were James C. Powell, Stias Wise, Augustus Fochtman (later August Fochtman), and John Vandegrift. These men were most active in affluent areas of the city such as the Washington Street area, other West Side streets, and in commercial building in the central section of the city. Aaron May, George and Wilmer Bowman, and Atlee B. Holt also appear to have been among the leading builders of the period between 1900 and 1925. May, the Bownans, and Holt engaged in much speculative building in the hills above Maryland Avenue and in the Gephart Drive area in the 1920's. Many of the homes they built were typical pattern book houses of their day. These same houses today contribute both harmony and variety to Cumberland's cityscape.

For the purpose of the present study, the author has selected a sample of 100 cases of urban conservation in the United States. The cases are selected on the basis of their historical significance, their geographical diversity, and their representativeness of the various types of urban conservation. The cases are divided into three main categories: (1) historical preservation, (2) architectural conservation, and (3) urban renewal. Each case is described in terms of its location, its history, its significance, and its current status. The author also discusses the various factors which have influenced the development of urban conservation in the United States, and the various methods which have been used to carry out urban conservation programs.

# THE CASE FOR URBAN CONSERVATION

It is often said that the past is a foreign country. This is true in many ways. One of the most important ways in which the past is a foreign country is in the way in which we think about it. In the past, we often thought of the past as a collection of facts and figures. We thought of it as a series of events which had taken place in a certain time and place. We thought of it as a record of what had happened, and we thought of it as a source of information about the world in which we lived. But in recent years, we have begun to think about the past in a different way. We have begun to see the past as a living, breathing entity. We have begun to see it as a part of our lives, and we have begun to see it as a source of inspiration and guidance. This new way of thinking about the past has led to a new interest in urban conservation. Urban conservation is the process of preserving the physical remains of the past. It is the process of protecting the buildings, streets, and parks of a city from the ravages of time and change. Urban conservation is a new and exciting field, and it is one that is becoming increasingly important in our society.

## THE CASE FOR URBAN CONSERVATION

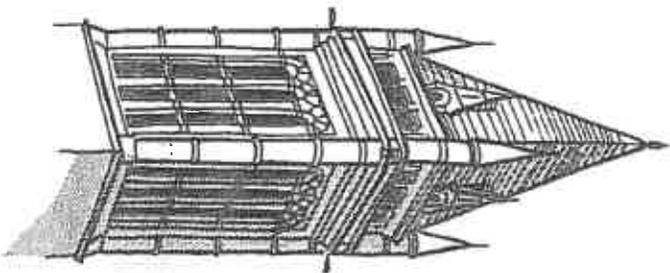
The recommendations contained in this report are not oriented primarily toward the preservation of individual buildings conserving and retaining for future use those buildings and groups of buildings which contribute to the overall historic fabric of Cumberland. The significance of these groups of buildings does not generally derive from their associations with historic events, personalities, or architects but from their massing, and their characteristic forms and details, which are integral elements of the cityscape. In recent years, the historic preservation movement has developed a broad philosophy embracing the current need of individuals to relate to what is familiar and characteristic in our society. It has also offered new directions in urban conservation through adaptive use and rehabilitation for older buildings. Both philosophies and practices recognize the inevitability and desirability of planned and controlled change and the improvement of the built environment.

Each community has buildings which it considers important because it is pleasant to look at them, because they are useful, or because they evoke familiar associations. These associations may be based on a sense of time or place or personality, but they form part of the cultural fabric of a community just as its buildings form part of its physical framework. Buildings in their relationships to other buildings establish a pattern of such dominant factors as materials, scale, and rhythm of spaces. These factors combined are what give Cumberland character, form images of the community, and establish a local aesthetic standard. On the local level it is just as important to conserve buildings that residents regard as culturally and aesthetically significant as those that have universal architectural and historic significance. Such a policy embraces the principles of urban conservation--the wise use of all the city's resources--rather than solely those of historic preservation.

## PRESERVATION: A PSYCHOLOGICAL AND PHYSICAL NECESSITY

Social and physical change are as inevitable in the twentieth century as they have been throughout the history of human existence. Cities, such as Cumberland, Maryland, do not escape these phenomena. It is such cities, in fact, that are often least prepared to attract change in a beneficial way as industry and chain stores move randomly in and out of the central business district. Such an area attracts development because, as a county seat, it is a traditional service community for the surrounding area. Dense and characteristic settlement patterns in the city are often altered or destroyed when new tenants introduce elements which are alien and incompatible to the area. The present fragmented visual character of Greene Street is the result of new tenants ignoring the traditional scale, material, and setbacks for that street. The conservation of characteristic buildings in their original environment can prevent physical disruption and encourage growth that is harmonious with the indigenous architectural heritage. Traditionally, Americans have preserved historic sites and structures because of their relation to past events, eras, movements, and persons that they have felt should be honored through these physical links with the past. Emotions such as nostalgia and patriotism are sources of imagination and creativity to understand and appreciate the past. Recently, preservationists such as Robert Stipe of North Carolina's Institute of Government have reminded us that we also seek to save our "physical heritage, partly because we live in an age of frightening communication and other technological abilities, as well as in an era of increasing cultural homogeneity." In this respect urban conservation is an attempt to maintain variety and uniqueness to enrich human existence.

The preservation of historically and architecturally significant structures is no longer the exclusive domain of dilettantes and antiquarians. Because of its expanding role in American society, the national preservation movement is not reactionary; instead, it emphasizes not only the historical associations of ancient buildings but also the psychological and physical necessity of the preservation of the environment. Without the conservation of its resources--both natural and man-made--Cumberland will lose its distinctive physical character and risk the disorientation and discontent of its population.



Robert E. Stipe, "Why Preserve?" Preservation News, July, 1972.

Christian Norberg-Schulz,  
Existence, Space, and  
Architecture, p. 45.



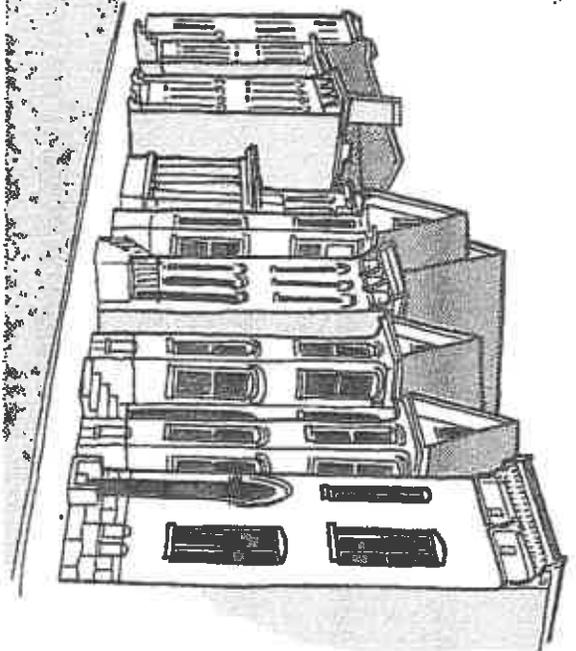
Destroying the environment by demolishing familiar elements not only breaks the physical world into isolated fragments and causes visual chaos but also prevents the establishment of a "stable system of places." Such a system includes a network of familiar places and paths through which people can move securely and confidently. A "stable system of places" or the conservation of significant areas of the town will allow Cumberland residents to regard their landmarks as predictable, permanent points of identity and to maintain secure associations with areas designated for conservation although other areas of the city may be undergoing profound alterations. The security of the environmental landmark's image must be protected to ensure that familiar places and familiar paths will allow people to find their way without confusion and alienation. The preservation of the familiar environmental image also plays a social role: "The named environment, familiar to all, furnishes material for common memories and symbols which bind the group together and allow them to communicate with one another." In this context historic preservation implies a social obligation to safeguard the old familiar places not only because they are ancient or beautiful but also because they are essential for individuals to maintain the shared experience of remembered places, the group image of their city, and the security which allows them to accept some environmental change because there is also permanence in their environment. The preservation of an area sets it apart as an individual place of identifiable, special quality, warranting perpetual care as part of the built permanent and irreplaceable values of a place. Several areas of the city are appropriate for local designations and control.

Since familiar places are landmarks that facilitate way-faring, recent as well as ancient landmarks must be respected. The preservation of eighteenth-century structures is meaningless if all the familiar places of the early twentieth century have disappeared. The philosophy that preservation is fine for the "past that is long past" does not serve living generations. Preservation needs to be relevant to the memories of people who are living now to permit the continuity of the group image. Preservation is not a luxury but a psychological necessity; it provides physical continuity from one generation to the next.

It retains the cultural and physical roots of the city which give Cumberland a local identity. The guarantee of the permanence of a town's architectural heritage has many positive effects on the town's physical environment. It encourages many property owners to improve their property; it increases civic pride; and it gives assurance to residents, property owners and those contemplating the purchase of property that nothing will be altered or built which will detract from the qualities that make the area attractive. It also acts as a stabilizer to prevent further deterioration and it often enhances real estate values as well as visual attractiveness.

Continuity is not only a psychological necessity; it is a physical and visual necessity as well. The integration of buildings of all periods creates Cumberland's cityscape. The elements for an interesting cityscape exist in Cumberland; what is lacking is a discrimination between the types of things that enhance a cityscape and those that destroy it. This discrimination requires physical planning that coordinates structures and open space with regard to vistas, design continuity, harmony, and diversity. Cumberland has a cityscape which with thoughtful planning could reflect all the eras of its history and be of proper scale and compatibility. By proper planning and the establishment of architectural review requirements, Cumberland can escape the modern affliction of a general reduction to anonymity and banality.

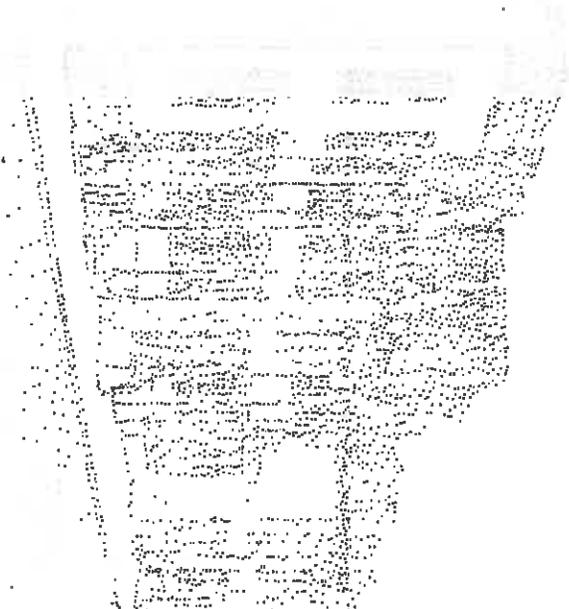
Historic preservation in Cumberland can and needs to be part of a progressive movement of urban conservation; making the best use of the best features of the city; protecting what is left from the past but also making room for new things in the future. The enhancement of the physical environment is not solely a visual matter. It is vitally related to economic activity, growth, and traffic patterns. The utilitarian trappings of commercial districts such as graphics, lighting, and advertising can become assets instead of eyesores. The physical necessity of preservation is to avoid disrupting visual unity where it exists and to create unity where it is absent. Visual unity, however, does not mean the neglect of variety. The wise use of all of Cumberland's physical resources will encourage variety.



Historic preservation is moving out of the realm where significant buildings are saved out of context as museums. We are witnessing the beginning of a new era in which whole areas are designated as being of special interest. These areas are not always filled with architectural gems, but they do possess many agreeable and appropriate houses, shops, and groups of buildings which respect the qualities of a humane environment. Cumberland is considering moves to protect its vital downtown area at a fortuitous moment. Many options are available which only a few years ago would have been impossible. It can protect its entire downtown; not just those structures which are significant on a national or state scale. It can designate buildings and areas for preservation that are of local significance and which are important landmark areas for Cumberland residents. Cumberland can even protect the environment of its local landmarks by ensuring that adjacent areas are compatible. The following chapters will explore the actions which will help the City of Cumberland pursue an appropriate urban conservation program.

#### ADAPTIVE USE

Despite the importance of their location in the city, large historic buildings are often either abandoned or underutilized because the original use for which they were designed no longer exists or has changed so that more modern facilities are needed. Cumberland has a number of these structures: the Cumberland Brewing Company plant on North Centre Street; the vacant Sacred Heart Hospital on Decatur Street; the old Footer Dye Works Complex on Howard and Winow Streets; the York Hotel and Deal's Mill both on Henderson Avenue; the Western Maryland Railway Station on Canal Street; and the Algonquin and Fort Cumberland Hotels. In other cities in recent years, the movement for preserving large existing buildings has engaged the interest of numbers of individuals and groups of people with varying motivations. The basic motive, however, has been the satisfaction of consumer needs. Ironically, this motive has worked to accomplish the goal of conservation rather than the opposing force of demolition of older structures which are often seen as impediments to new development. In areas such as Pioneer Square, Seattle; Oldtown in Alexandria, Virginia; Ghiradei Square in San Francisco; and Trolley Square, Salt Lake



City, there was a recognition that, although the existing spaces were originally designed for specific functions, these buildings also contained open volumes of space which could be easily added to, changed, or rearranged using both imagination and technology. A rearrangement of the existing layout can provide new interiors with charm and character which can be translated into financial compensation.

The buildings mentioned above are generally masonry wall-bearing buildings with a structural capacity, although, in some instances, this capacity may need to be supplemented for adaptive uses. The addition of steel beams to span spaces or of steel columns, with careful design and installation will not, in most instances, harm these very valuable resource buildings.

An adaptive use scheme, however, for any of these buildings, requires an honest assessment of the economic feasibility of continuing use or reuse of these structures. Such an assessment should be undertaken only by groups with an acknowledged reputation for consulting in the field of economic feasibility for adaptive use. When well-executed, the conservation and enhancement of the city's older buildings and neighborhoods can, however, mean economic benefit for local business and tax dollars for city government. The city's existing building stock represents a massive investment in materials, labor, and time. Conservation is the best means of recovering the worth of past investments. Many Cumberlanders have, in the past, attempted to save landmark buildings by proclaiming the potential for reuse without an accompanying study; others have bypassed the feasibility study and proclaimed the buildings unfit and unusable. Neither should be the case with the very critical above mentioned buildings. The destruction of any of these buildings without a genuine use and cost appraisal would allow irreplaceable historic resources to be destroyed.

Cumberland's rich architectural details and historic character can be exploited to attract tourism and possibly new business. More importantly, the conservation of these details insures a pleasant and diverse environment for its citizens.

Wallace Wright, "Trolley Square: A Preservation Image in Salt Lake City," *Economic Benefits of Preserving Old Buildings*, pp. 69-74.

Roger S. Webb, "Overcoming Preservation Problems," *Economic Benefits of Preserving Old Buildings*, pp. 117-120.

## APPROPRIATE RENOVATION TECHNIQUES

Cumberland has many buildings of distinct architectural quality and character. Examples of characteristic and unique details are present throughout the city. Changes in the details of an individual building alter not only that building but also its relationship to neighboring buildings and to the streetscape. Many inappropriate and incompatible alterations have already occurred in Cumberland although changes need not be made in such a way that the character of an area is eroded. This section contains some suggestions about how compatible changes, rehabilitations, and repairs can be made.

There are a variety of architectural types and styles in the city. In each case, individual elements and details are treated differently. The combination of these different building types and their details, however, contribute to the city's characteristic streetscape because they are generally similar in height, mass, material, color, detail, and setback. Because of these similarities, there is unity through repetition in the streetscape. These qualities make most areas surprisingly homogeneous and harmonious.

Most individual structures are small in scale; it is rare for an individual building to dominate any street. Because of this intimate scale, most of the city's residential streets are enjoyable at a pedestrian's eye level and pace. The repetition of separate but similar forms along a street sets up a rhythm that is characteristic throughout much of the city. House facades enclose the street space and define the edges of the street. Building details further define a streetscape as cornices provide interesting elements above eye level; porches delineate personal from public space; and doorways and windows add visual interest to the building mass. The elimination or extreme alteration of these elements damages the unity of the streetscape just as the intrusion of an exceptionally tall or short building harms the visual quality of an area or the demolition of individual buildings leaves undefined gaps in the streetscape. Removing porches from the characteristic turn-of-the-century homes in Cumberland makes the building facades flatter and deprives the street of the diversity of such details as columns, turned porch posts, and jigsaw and Eastlake ornamentation.

Modifications to any part of the exterior facade of a building must be handled carefully. Alterations should respect the original character of the house and of the street as a whole. Windows are particularly important elements. Maintaining the original proportions of the building is dependent on preserving or restoring the correct windows. For early Federal and Greek Revival style buildings, "six-over-six" windows (six panes over six panes) are appropriate; the later turn-of-the-century housing generally requires "two-over-two" or "one-over-one" windows. Incorporating "picture windows" into existing facades should not occur. Transoms above doorways and windows should be preserved along with the original doors. Storm doors should be of simple design and blend with the inner door. The prevalent scalloped, metal, barn-type doors erode the historic character of an older house. Modern stock doors with phony "colonial" details such as broken pediments and eagles should be avoided. Whenever possible homeowners and landlords should repair such flaws as worn paint, scratches, missing hardware, and broken glass rather than discarding the original doors.

#### Synthetic siding is appropriate only where the original

wooden siding is badly deteriorated; in such instances, the new siding should be the same size as the original, wooden boards. It is replacing synthetic siding with wood grain is never appropriate since good wooden siding has a smooth, finished appearance. If siding is used, it is important to reproduce the corner boards in their original width. Asphalt and asbestos shingles and formstone should not be used on older houses. They hide the horizontal details of wooden siding and weaken the historic character of the city.

Brick walls are a major asset and should not be covered. If the existing brickwork is unattractive color, it is better to repaint it in a compatible color such as brick-red, gray, or beige, or white than to cover it. Since many early brick houses in Cumberland were originally painted, painted brick is in keeping with the historic and aesthetic traditions of the city. In general, sandblasting and rotary brush methods should not be used because they often damage old brick. A chemical cleaning method is less destructive. Repointing brick is another process requiring care. Where old soft bricks are involved, a mortar softer than modern cement must be employed to prevent damage to the soft brick under the freeze and thaw conditions normal for this area.

School of Architecture,  
University of  
Maryland, Design  
Guide for the Exter-  
ior Rehabilitation of  
Buildings in Old Annapolis.

Harley J. McKee, Introduction to Early American Masonry.

Stylistic Elements Which Retain Original Character, pp. 23-25

"Criteria for Development within Historic Areas," Historic Preservation Plan for the Area General Neighborhood Renewal Area, pp. 9-21.

See Local Ordinance, p. 26

One of the most pleasant features of the many frame houses in Cumberland is the use of wooden, slate and slate surfaced shingles in the gables to contrast with the wooden siding below. These gables are often punctuated with attractive ventilators of "Pennsylvania Dutch" style, Palladian windows, sunflowers, or other interesting arrangements of windows. The shingles and accompanying details should be retained. If the original shingles are definitely beyond repair, the best solution is to substitute the same siding that is used on the rest of the house but to also retain the original trim and ornament. Brackets and modifications (small supporting members between brackets) are important architectural elements in the city. Effort should be made to retain and repair them if they are deteriorated; they should never be removed in an attempt at modernization.

Double and other multiple family dwellings present special problems. The use of different window types, wall coverings, and porch treatments for individual units should be avoided. Each unit should be treated as part of the whole to preserve the unity and integrity of the original.

To conserve and enhance the local architectural character, "home improvers" should not try to make a house look older or newer than it really is by using materials or details from other periods. For example, wrought-iron grill-work porch posts are inappropriate on an early, twentieth-century frame house, and modern "colonial" doorways damage the authentic appearance of early nineteenth-century row houses.

#### NEW CONSTRUCTION IN HISTORIC AREAS:

Designating an area as architecturally or historically significant does not preclude all future development. The existing architectural character of the area should inspire new buildings, which while expressing modern technology and aesthetics, will blend with and enhance the existing fabric. Additions and new buildings need not be replicas or copies of earlier historical styles; preferably they will be modern buildings compatible with the old so that the resident or visitor to the area will be aware of both the new and old buildings as good representations of their respective time periods. The compatible design of new buildings reflects a sensitivity to both past and present and the need for continuity between them.



CHIMNEY

PARAPET

BRICK CORNICE

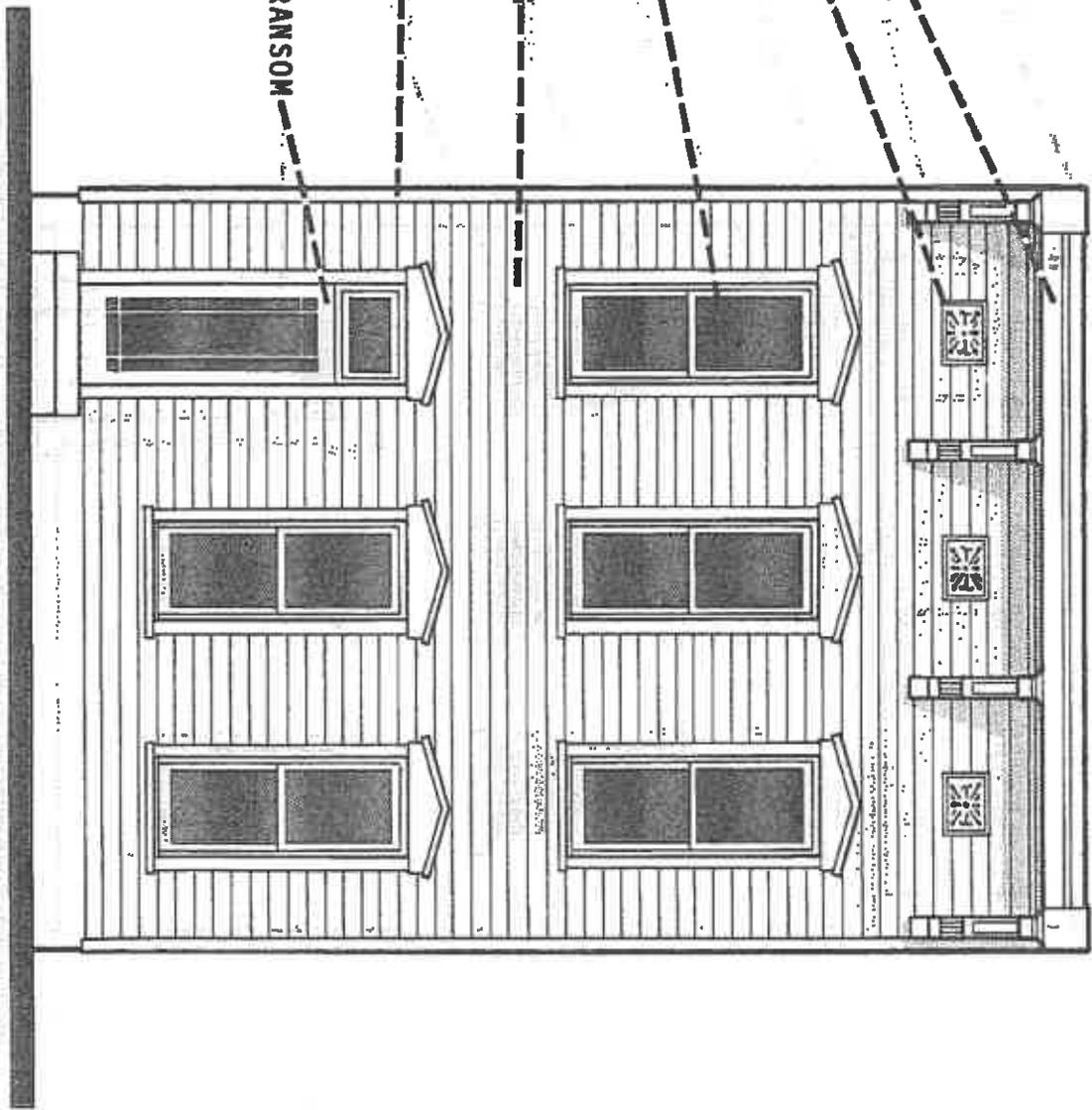
EYEBROW WINDOWS

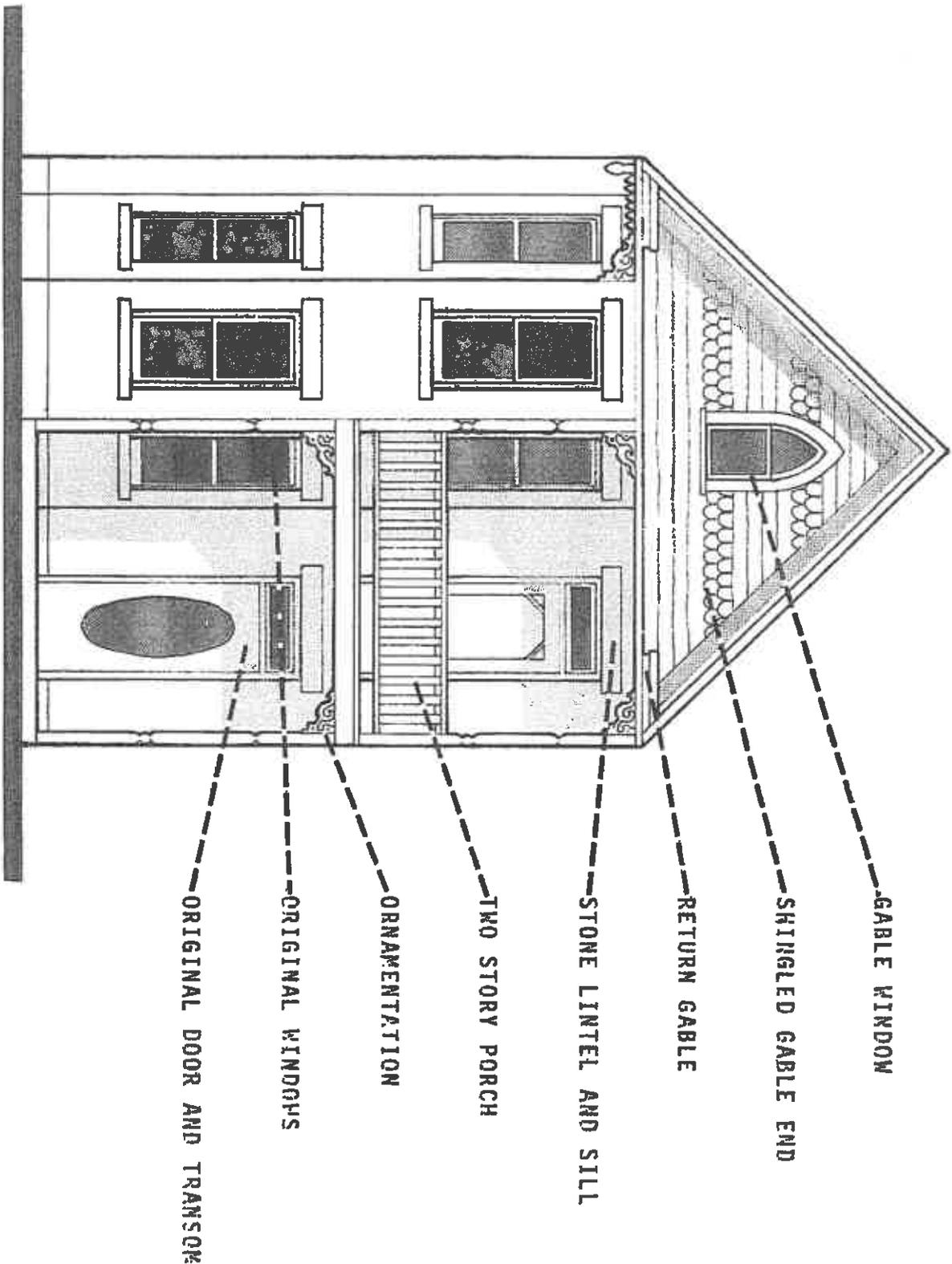
WIDE WOODEN LINTED AND SILL

"6/6" WINDOWS

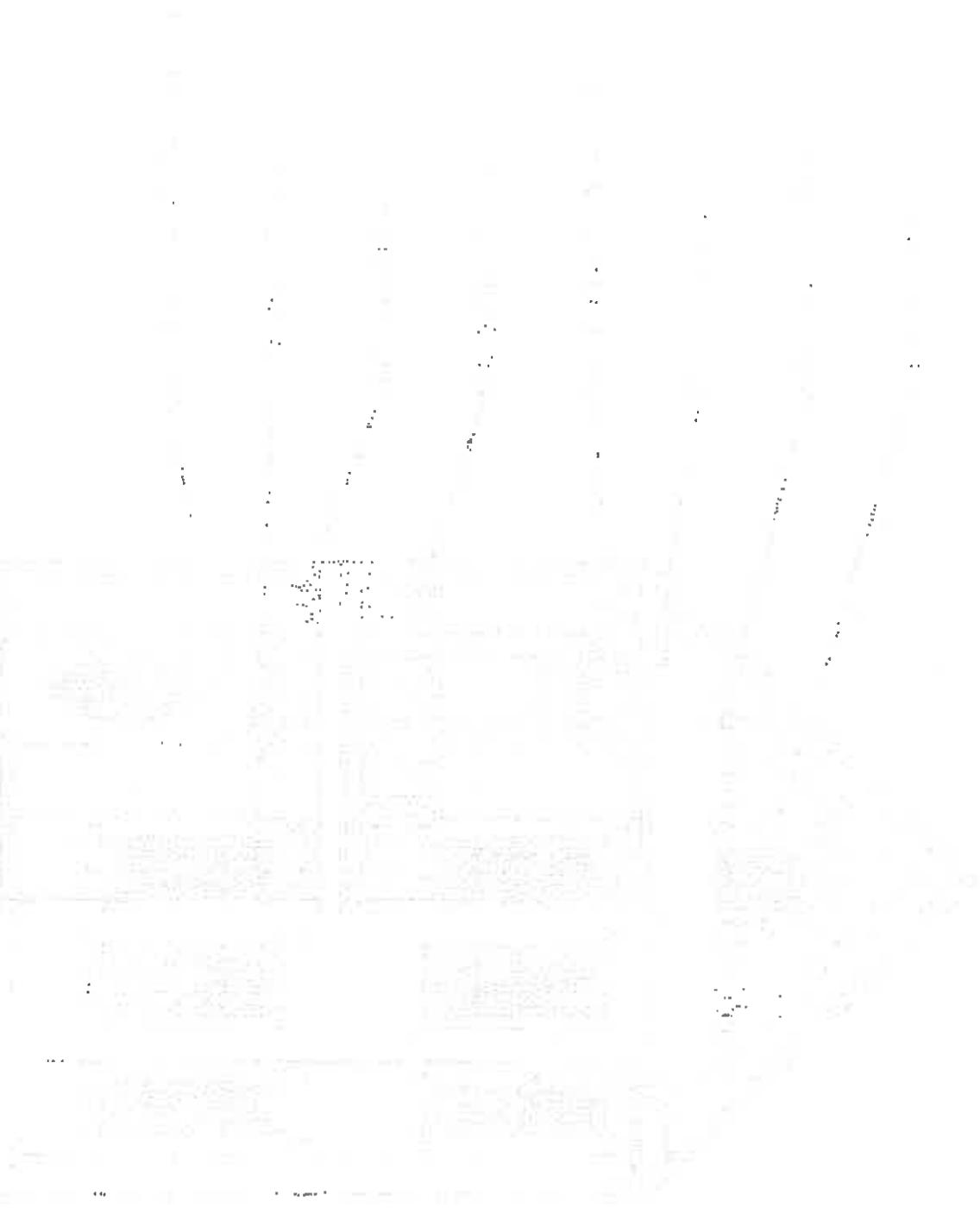
ORIGINAL DOORWAY AND TRANSOM

BRACKETED CORNICE  
VENTILATORS  
ORIGINAL WINDOWS  
NARROW WOODEN SIDING  
WIDE CORNER BOARDS  
ORIGINAL DOOR AND TRANSOM





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# CUMBERLAND: A CALL TO ACTION

CUMBERLAND: A CALL TO ACTION

The City of Cumberland has architectural and historic resources which form the essence of its built environment. To use these resources wisely and to enhance these potential assets in the future, Cumberland must initiate new and imaginative programs. Urban conservation, particularly the revitalization of old buildings, can play a major role in improving the quality of life and in restoring economic vitality. This section outlines for the City of Cumberland a call to action which will initiate a program of urban conservation through administrative and legislative actions.

LOCAL ORDINANCE

The historic district ordinance--Section Z of the present zoning ordinance--is a good one which, with specific modifications, will meet the urban conservation needs of Cumberland. The ordinance contains criteria which do not dictate architectural style, but, instead, consider important cityscape qualities such as height, proportion of front facades, proportion of openings within the facade, rhythm of solid to void, rhythm of spacing of buildings, on streets, rhythm of entrance and/or porch projections, relationship of materials, textures, color, architectural details, and roof shapes, walls of continuity, relationship of landscaping, ground cover, scale, and directional expression of front elevation.

The City of Cumberland, to acknowledge and protect its many architecturally and historically significant areas, needs local designations and controls. We recommend that the City of Cumberland enact a modified version of Section Z of the present Zoning Ordinance. We recommend the following revisions:

1) that the title be changed from Historic District Regulations to Historic Conservation Zone Regulations. Such a revision will make local control areas distinct from those areas of the city which, as districts, are either eligible for or listed on the National Register of Historic Places.

2) Article 3 entitled Historic District Commission Creation

should be entitled Advisory Commission on Historic and Aesthetic Matters.

3) Article 3, part 2 should be amended to read "An Advisory Commission on Aesthetic and Historic Matters (authorized to act as the Historic District Commission in accordance with Article 66-B of the Code of Public General Laws of Maryland) may be appointed by the Mayor and City Council, consisting of seven (7) members all of whom are qualified by special interest, knowledge, or training in such fields as history, architecture, preservation, or urban design and agree to serve on this Commission and all of whom are residents of the City."

4) any reference to the Historic District Commission or to the Historic Commission be changed to reference to the Advisory Commission on Aesthetic and Historic Matters.

5) any reference to the Historic District be changed to reference to the Historic Conservation Zone.

In addition the membership of the Advisory Commission should be in accordance with the amended Article 3 of Section 2 of the present Zoning Ordinance as recommended in this working document.

Certain areas of the city should be protected by the ordinance recommended above. First priority areas--those areas which should be designated locally within the next year--are listed below:

1) the area containing Baltimore Street from Canal Street to George Street; North Centre Street between Baltimore Street and Frederick Street; and North Liberty Street from Baltimore Street to Frederick Street;

2) the area known as Canada--North Centre and North Mechanic Streets from the B & O Railroad Viaduct to the city limits near the Narrows;

3) the Decatur Street area--that is from Henderson Avenue to the back property lines on the northeast side of Decatur Street; and from the back property lines on Baltimore Avenue

from Henderson Avenue to Bellevue Street to the railroad bridge under construction on Frederick Street;

4) the area extending from and contained within boundaries formed by Hill's Creek and Brook Avenue and extending the back property lines on the south side of Greene Street and the back property lines on the north side of Washington Street.

Second-level priority areas--those areas which should be locally designated and protected in the next two years--are the following areas: (Map )

1) the Dumbhundred-Stony Batter area extending from the B & O Railroad tracks north to the rear property lines on the north side of Columbia Avenue to the rear property lines on the west side of Furnace Street to the top of the ridge behind Independence Street and from the city limits to Bedford Street.

2) The section of South Cumberland from the rear property lines of Virginia Avenue on the west side of the street and proceeding east to the rear property lines on South Street and between the back property lines on the north side of Oldtown Road and the back property lines on the south side of Industrial Boulevard East.

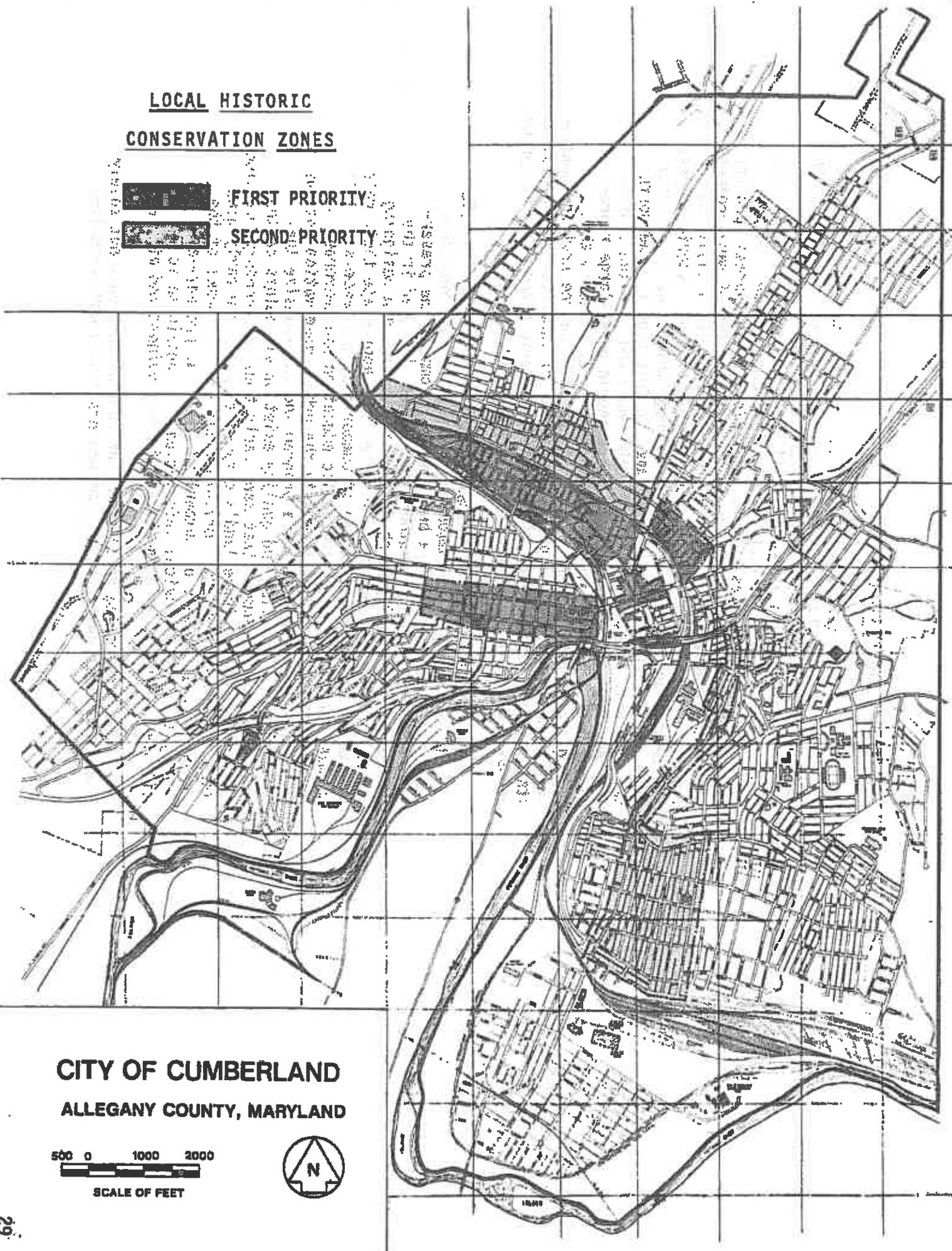
3) Maryland Avenue from Oldtown Road to the National Highway and Elm Street from Williams Street to the B & O Railroad property and Spring Street from the B & O Railroad property to the intersection with Maryland Avenue.

The first and second level priority areas constitute the city's historic core and the areas where architectural and historic character are threatened by inappropriate modernizations:

REPORT RECOMMENDATIONS AND CONCLUSIONS OF THE HISTORIC DISTRICT COMMISSION

**LOCAL HISTORIC  
CONSERVATION ZONES**

-  **FIRST PRIORITY**
-  **SECOND PRIORITY**



**CITY OF CUMBERLAND  
ALLEGANY COUNTY, MARYLAND**



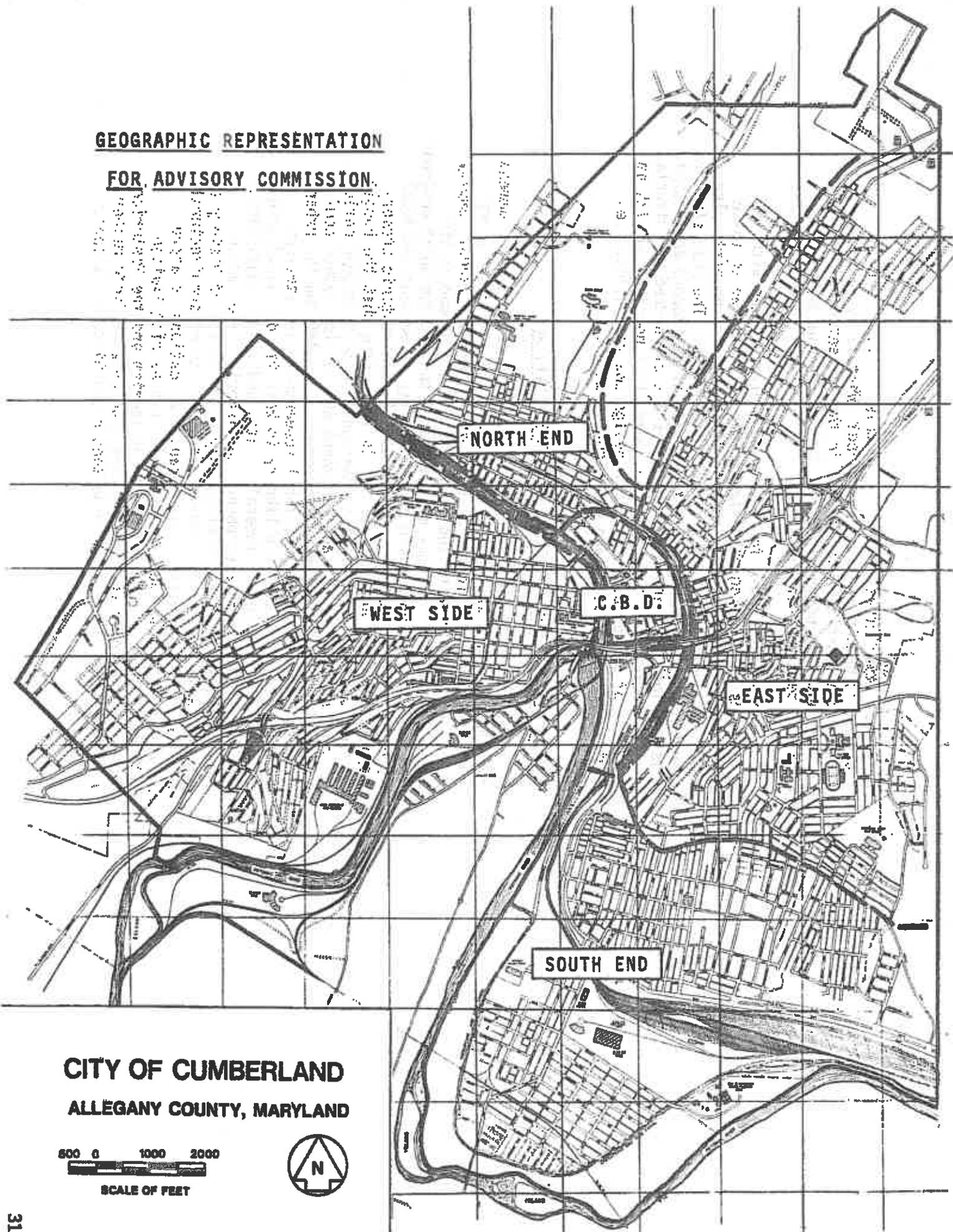
## ADVISORY COMMISSION

The scope of services the present Advisory Commission on Historic Matters is asked to supply extends into more sectors than the name implies. This commission is presently asked to evaluate both the architectural and historic significance of buildings being considered for demolition, restoration, or rehabilitation. To more fully reflect the duties of this commission and to impress upon its members their responsibility to evaluate the effect of many projects on the built environment, the name of this commission should be changed to the Advisory Commission on Aesthetic and Historic Matters. Representation should be afforded the geographic areas of the city which contain conservation zones named in this report: the North End, the West Side, the East Side, the South End, and the Central Business District. In addition, there should be at-large representation for a local historian and for a local person with a strong background in architectural history. Since the Advisory Commission is the only official group in the City of Cumberland which has, as its duty, the safeguarding of the city's historic resources, this group needs to become more aware of its advocacy role.

The city's advisory commission needs to determine its role in city government. Its members must realize that, when they approve the demolition of a building or recommend the preservation or renovation of another, they are as involved in the process of urban design much as an architect is when designing a new building for the city. To more fully appreciate their role in the continuing urban design of Cumberland, the members of this commission need an intensive public education and awareness program which will acquaint them with the urban conservation options available to the city. Such a program should emphasize that architectural character and quality exist at all points on the architectural continuum; that many early twentieth-century buildings are as valuable to Cumberland's cityscape as the few early nineteenth-century structures surviving; and that the homes of the working-class citizens of Cumberland--past and present--are as likely to yield historical information and contribute to positive cityscape values as are the homes of the prominent and affluent.

When considering demolition, the commission should not solely consider condition. Instead, the members should ask themselves

**GEOGRAPHIC REPRESENTATION  
FOR ADVISORY COMMISSION.**



**CITY OF CUMBERLAND  
ALLEGANY COUNTY, MARYLAND**



-What would this street look like if this building of no particular distinction were to be removed? What is to go in its place? and Will the demolition leave gaps in the streetscape?" If they are not completely satisfied with their answers, demolition might not be the solution.

The advisory commission actively involves laymen with no backgrounds in planning or design. They are required to voice their opinions and evaluate their environment with no particular training to help them make reasonable judgments. The main strength of such a body is in its subjectivity: local sentiments and attachments and intrinsic aesthetic qualities are often used as criteria. This subjectivity is only dangerous when it is not coupled with an awareness of the problems of urban design and the philosophies of historic preservation and urban conservation.

#### OFFICE OF HISTORY AND URBAN CONSERVATION

Because of its wealth of architectural heritage, we recommend that the City of Cumberland establish an Office of History and Urban Conservation. To direct this office, the city should employ a City Conservator, a person with a strong background in the techniques of local history and in the history of the built environment. This individual could keep both city government and local residents informed about current activities in historic preservation and urban conservation. It is imperative that the budget for this office allow for the urban conservator to attend national and regional conferences and workshops and to visit other communities to observe successful programs. In addition the urban conservator would direct any local research in architecture or history, would compile a library in both fields, would gain a clear understanding of federal, state, and local regulations, and policies and programs concerning historic preservation, urban conservation, and local history. The Office of History and Urban Conservation could also direct publicity of architectural and historical activities, make grant applications to appropriate agencies and foundations, and serve as city liaison with such groups as the Department of Tourism and the Historical Society. The Urban Conservator should be an ex-officio member of the Advisory Commission on Aesthetic and Historic Matters.

## PLANNING FOR URBAN CONSERVATION

The completion of this survey should provide the basis for coordination of urban conservation principles with other planning and development activities. In developing such a plan, the city has, as a foundation, this architectural and historic survey which defines the special physical character of Cumberland. The adoption of an urban conservation plan by the Mayor and City Council is essential to allow for the wise use of the city's architectural and historic resources. The plan should outline the city's policies and goals for dealing with the city's resources and the methods appropriate for accomplishing urban conservation objectives. It should be an integrated, comprehensive plan which takes into account the fact that urban conservation affects and is affected by all city departments. An urban conservation plan could be used to encourage city officials engaged in such projects as public works and highways to consider urban conservation goals when planning new city activities.

This urban conservation plan should have as its goal the conservation and enhancement of the architectural and physical integrity of Cumberland's architectural and historic resources while allowing for future growth and development. Its objectives should be as follows:

- 1) to implement the ordinance suggested in this report;
- 2) to formulate flexible rehabilitation and maintenance standards with appropriate variances for historic buildings;
- 3) to make available economic data on the cost of rehabilitating individual buildings to stimulate public action and private investment;
- 4) to engage a qualified firm to prepare schemes for the renovation or adaptive reuse of empty buildings or unused resources to guide future development;
- 5) to identify problems such as traffic and development which threaten urban conservation in historic areas and to work for sensitive solutions;

6) to design types of lettering and signs compatible with the historic environment;

7) to acquire easements on critical buildings where it is appropriate;

8) to publish the results of the architectural and historic survey;

9) to design a local public awareness program through the media to publicize urban conservation; and

10) to enhance the eroded character of the city's historic edges and entrances.

### EASEMENTS

Easements can provide for the protection of irreplaceable or outstanding qualities of a property without requiring the purchase of the "fee" or entire rights to the property. Since easements are "less than fee" controls, they may be cheaper to acquire than the entire fee and they will not, in most cases, interfere with the continued use of the property. Easements can be used to prohibit new construction and alterations to significant buildings. The holder of the easement usually has the right to review any proposed changes to the property. Specific state enabling legislation permits the use of easements in the State of Maryland. It is appropriate and timely that the city purchase or otherwise acquire facade easements on the commercial buildings on Baltimore Street between Mechanic and George Streets and North Centre and Liberty Streets between Frederick and Baltimore Streets.

Facade easements restrict the development, use, or alteration of the existing portions of a building or structure. They may be used to restrict further construction on the exterior to necessary repairs and may otherwise limit development.

Easement documents must be carefully drafted and must be accompanied by adequate documentation describing exactly the qualities or conditions of the property which is to be preserved.

This care will insure understanding between the property owner and easement holder about the degree of restrictions imposed on the property. Easements are assignable to other parties; in other words, they can be transferred from one holding organization to another. Additionally easements may "run with the land" into perpetuity--that is, they may be binding on subsequent owners.

Easements are acquired either through gift or purchase. The donation of certain kinds of easements to qualified recipients may make the donor eligible for federal tax deductions as well as reducing the fair market value of a property and thereby allowing for a possible decrease in property and other taxes. Although purchase of an easement may be cheaper than acquiring the entire fee, the value of the development rights of a property may be the major portion of the property's fair market value. In such an instance, the acquisition of an easement, restricting these property rights would be as expensive as purchasing the property itself.

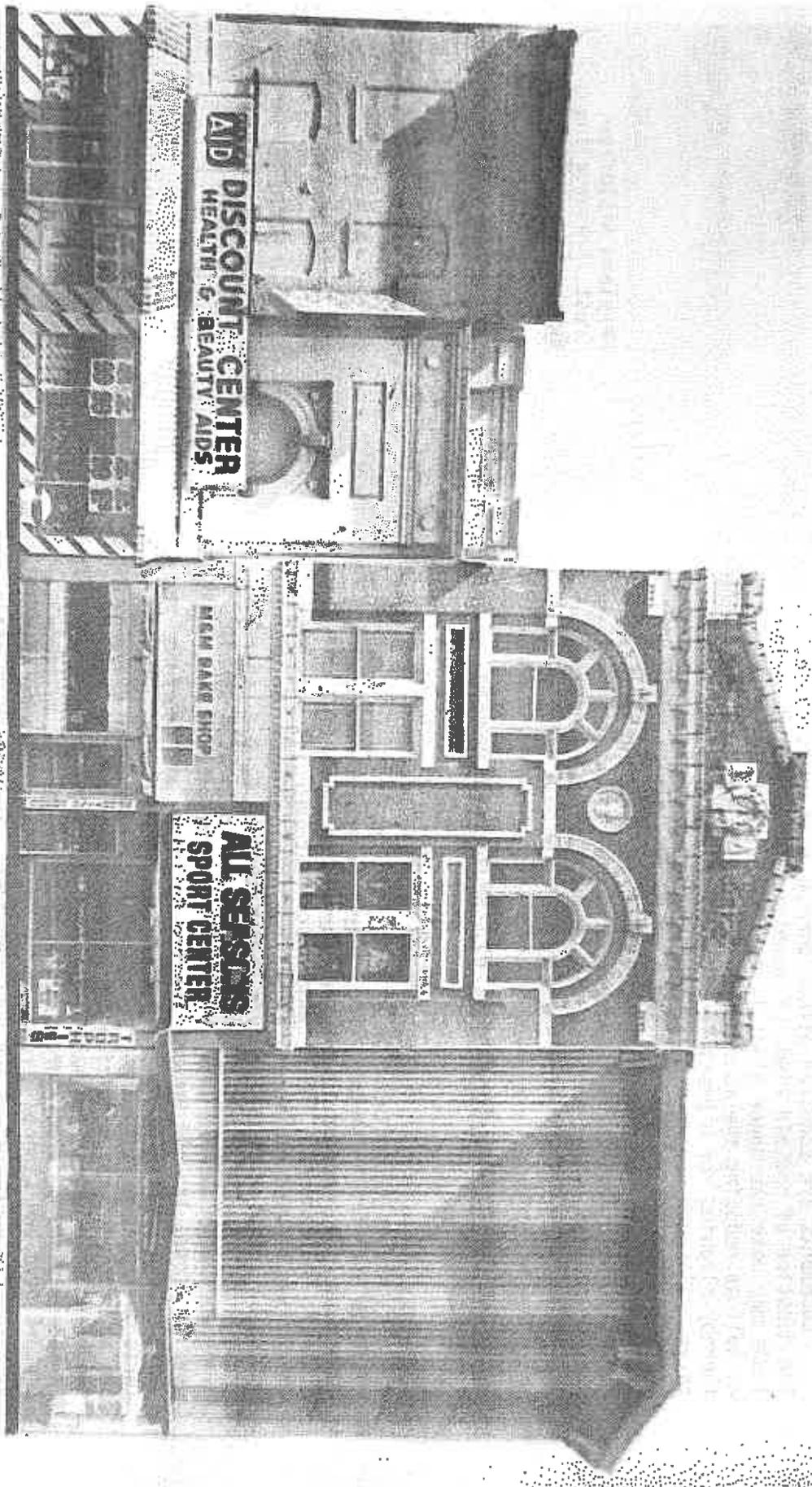
CAPITAL IMPROVEMENTS IN THE HISTORIC ENVIRONMENT

The Mall

The possible construction of a mall in the historic Central Business District is probably the major improvement confronting Gumbertland. Any action in this area should be respectful of the historic environment. The Baltimore Street commercial buildings are an outstanding architectural collection. Not only the imposing buildings such as Eyerly's, Schwarzenbach's, the Liberty Trust Bank, and the First National Bank must be treated sensitively but also such delightful and pleasing buildings as Little's Jewelry Store, the old Embassy Theatre Building, and the Dime Savings Bank portion of the Rite-Aid Store. To enhance the historic character of this area, facade restoration, where possible and appropriate, and sensitive facade renovation are just as important as a pedestrian mall. The city should, as recommended in the previous section, purchase the facade rights of Baltimore, North Centre and Liberty Streets to protect the architectural and historic character of the downtown area. At pedestrian scale, stricter sign controls would significantly enhance the historic

Maryland Historical  
Trust, Preservation  
Easements.

Existing Block, Baltimore  
Street and Historical Recon-  
struction of Facades, pp. 36-37



**AID DISCOUNT CENTER**  
HEALTH & BEAUTY AIDS

**ALL SEASONS**  
SPORT CENTER

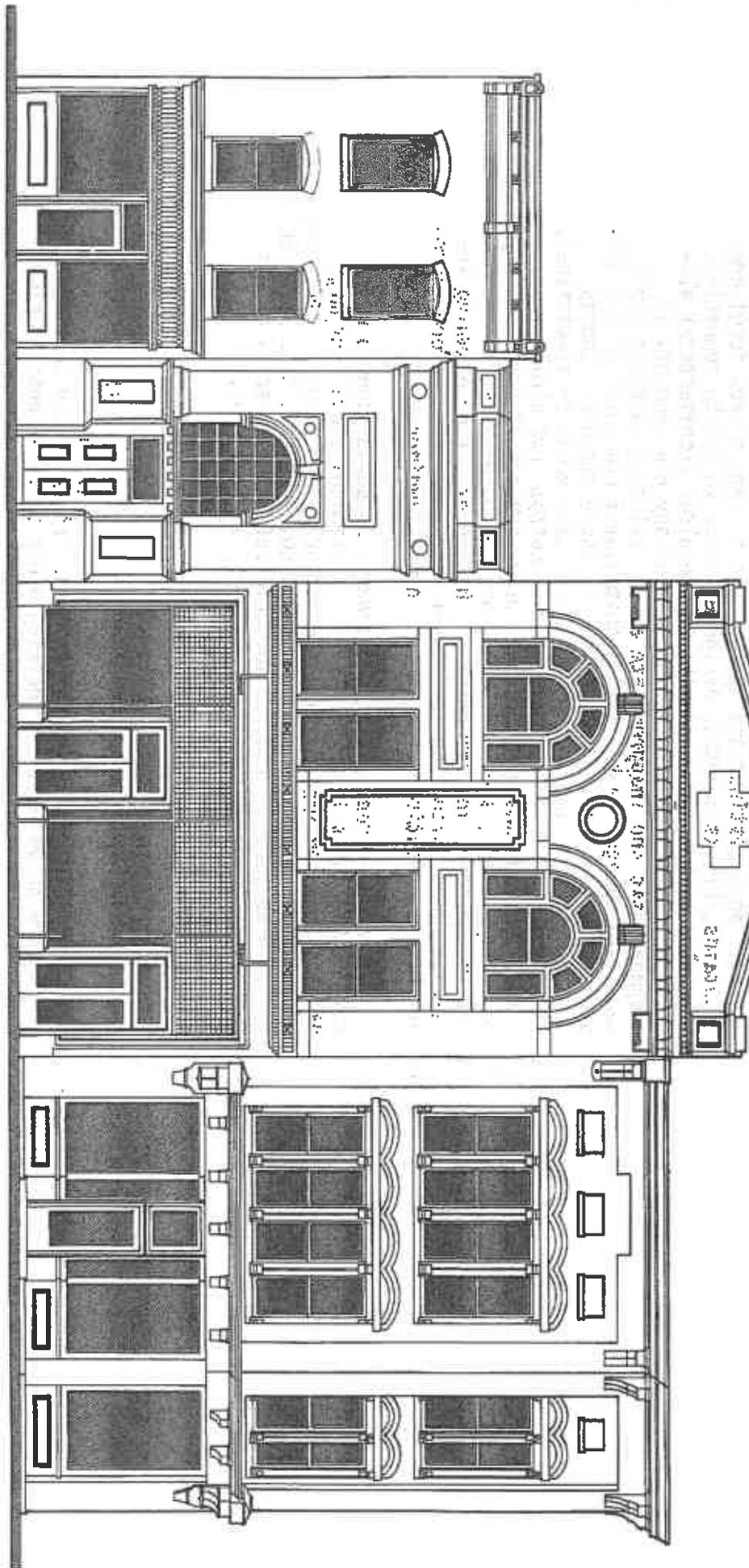
HEALTH CARE SHOP

1980-1981  
2000-2001

1980-1981  
2000-2001

1980-1981  
2000-2001

1980-1981  
2000-2001



Architectural drawing showing a building facade with a central gabled entrance and multiple windows. The drawing includes a title block with the following text:

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Architectural drawing showing a building facade with a central gabled entrance and multiple windows. The drawing includes a title block with the following text:

and architecturally superior buildings on Baltimore, North Centre, and North Liberty Streets. Most of the buildings were designed with an appropriate space for a lettered sign. A return to the type of signing pictured in old photographs of the area would be appropriate for many of the buildings.

The actual design of the mall should complement and not dominate the historic buildings in the business district. It is imperative that both the mall designers and city officials recognize that these buildings are one of the major assets of the downtown area. Their Victorian character could be used as an attracting element to identify Cumberland's central business district as a distinct and special place. Any street furniture, fountains, kiosks or other design elements should be compatible in scale, texture, and material to the older architectural elements in the area. The introduction of any new elements as unsympathetic and inappropriate as the existing parklets would seriously damage the historic architectural character of the outstanding brick and stone buildings on these streets. Canvas awnings, if used uniformly and sensitively, would be traditional, attractive, and useful. Only canvas awnings, not aluminum or plastic-coated awnings, should be used; awnings of complementary, not gaudy colors, should be used for signing or advertising and should be of uniform height. The use of a single awning for several stores within an individual building would be more appropriate and compatible than several narrow awnings.

Banners, street poles, and other accessories should not become stable items in this historic environment since they might detract from the architectural character of the streets. If these elements are included in the mall design, they should be portable and used as special features for celebrations of special events such as Heritage Days, major sale days, and holidays.

#### Streets

The many brick streets in the city enhance Cumberland's historic architectural character. In most instances, they should be preserved and repaired. In the rare instances where it is appropriate to eliminate brick streets, the bricks should be removed and stored to be used in repairing other brick streets. Brick

streets are as much an integral part of the historic built environment as are buildings. They reflect the craftsmanship and sensitivity to texture and material of another day. Grand Avenue, for example, is a brick street with a herringbone pattern at each intersection. Such elements, once lost, will never be replaced. The result of such a loss would be to aid in reducing Cumberland to another anonymous city with little special identifiable character.

Brick sidewalks are another pleasant and characteristic element in Cumberland's cityscape. Where they are buckled, no longer level, or in need of other repair, these sidewalks should be repaired, not replaced with common undistinctive cement walks. In the many instances where the sidewalk damage has been caused by the roots of nearby trees, the tree roots can be trimmed and the sidewalks replaced without permanently removing the sidewalk or eliminating the tree. The proper laying of brick sidewalks can result in less maintenance. By laying first a layer of sand and then setting waxed bricks in cement, the city could eliminate much of its maintenance problem.

Street trees are some of the most important elements in a historic area. Both large shade trees and ornamental trees enhance the architectural and historic character of many areas. Trees are an especially important factor in Lower Cumberland, South Cumberland, Maryland Avenue, and on the west side. Trees should not be sacrificed; existing large gauge trees are a resource almost impossible to replace in Western Maryland because of the scarcity of the equipment necessary to move them. Historically, street trees existed in many neighborhoods; many existing sidewalks, such as those along Fulton and Charles Street, sag because trees were removed. When street and sidewalk repair necessitates tree removal, trees should be replaced. Street trees are a tremendous amenity and add to the enjoyment of historic areas.

### Street Trees

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P

Lighting is an important accessory in the historic environment. In many neighborhoods, such as South Cumberland and the Columbia-Shriver Avenue area there are street lights which are temporary with much of the building stock. These lights should not be discarded because they are "old fashioned." Such elements are still useful, add character and charm to the local cityscape and are more compatible in older neighborhoods than the current bulky standard modern municipal light fixtures. Whenever the old lights are removed, they should be carefully stored so that they can be used as replacements in neighborhoods where they are appropriate.

Off-street parking is an often discussed measure for the city's dense historic neighborhoods. Parking is a very real need in Cumberland but the demolition of existing buildings is not the only way to provide parking space. The dense, repetitive and generally uniform building patterns make almost every building indispensable since the buildings, in effect, define the street and its edges. The placement of parking lots on city streets is one of the most serious threats to the historic landscape. In the past there have been few attempts to screen or soften parking with trees and other plantings. Fortunately, Cumberland has an extensive system of alleys and places which, with thoughtful design, could provide a number of off-street parking areas. An added advantage is the proximity to the rear of most houses. Such a factor would facilitate large scale removal of furnishing and appliances as well as easing the unloading of groceries and other goods. Attention should be given to a planting program in existing parking lots in historic areas of the city such as Virginia Avenue, North Meacham Street and Maryland Avenue. The above mentioned alleys also provide an unobtrusive place for unsightly telephone poles and utility wires where the cost of undergrounding utilities is prohibitive. Wires and poles seriously mar the scenic character of the city's historic streets and buildings. Where economically viable, such as in the North

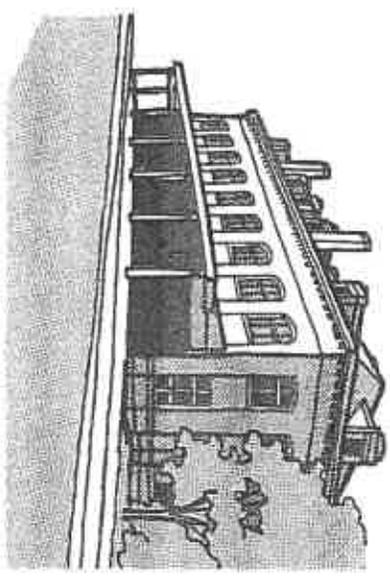
Centre and Liberty Street areas, the undergrounding of utilities is recommended. Where too costly, alleys are a good alternative for placement of unsightly poles and wires.

### MEETING CITY NEEDS WITH ADAPTIVE USE

As mentioned earlier, there are a number of architecturally and historically significant buildings in the City of Cumberland which could be adapted to meet new needs of the city. The Western Maryland Railway Station, the Cumberland Brewery, Foster's Dye Works, the old Sacred Heart Hospital, the Saint Peter and Paul Monastery, the Brunswick Hotel Building, the York Hotel, and Deal's Mill could all serve useful new purposes. Several needs which could be met through adaptive uses are a cultural facility with exhibition space, meeting space, space for arts instruction, neighborhood or city recreation buildings, a visitor's facility, a transportation museum emphasizing Cumberland's role in western migration, a senior facility, and old-age/low income housing. In each instance, the city or any group contemplating the adaptive use or demolition of any of these properties should contract with an experienced reputable group to conduct both an architectural and economic feasibility study. Possibly, the city and one or several interested private citizen's organizations could sponsor a joint feasibility study of several buildings. Such a study could consider how these buildings could serve inter-related functions since they are located within close geographic range. Funds for planning studies are often available from the National Trust for Historic Preservation, the National Endowment for the Arts, and private foundations.

### URBAN HOMESTEADING

Several cities, usually large cities such as Baltimore, Maryland; Wilmington, Delaware, and Philadelphia, Pennsylvania, have instituted urban homesteading programs to allow local residents to rehabilitate vacant and abandoned buildings in the city's possession. Although these programs have had mixed successes in other areas, such a program could be very successful in Cumberland which is not plagued with the big city urban problems of high



Educational Facilities  
Laboratory, Reusing Railroad  
Stations.

"Self-Help: Homesteading,  
Neighborhood Conservation:  
A Sourcebook, 11, 27."

U. S. Department of  
Housing and Urban De-  
velopment, Neighbor-  
hood Preservation:  
A Catalog of Local  
Programs, p. 53.

Kevin Lynch, What Time Is  
This Place?, p. 234

crime rates and large-scale deterioration of entire neighborhoods; such a program could aid in solving the problems of low cost housing and deteriorating building stock. Instead of offering selected properties at the standard rate of one dollar, properties could be sold at transfer preparation cost to the city (including title search fee and structural feasibility report). Such a rate would eliminate a large investment in these properties. Home-steading rather than demolishing properties would allow a gradual economic return in property taxes and would aid in restoring neighborhood quality in deteriorating areas. Home-steading would be appropriate for several buildings currently being considered for demolition by the Community Development Program.

#### CITY ATTIC

Demolition will continue to occur in Cumberland. Hopefully only those buildings definitely deteriorated beyond repair will be lost. When such is the case, the city should retain salvage rights to these buildings and stockpile porch posts, brackets, moldings, doorways, newel posts, and other features to use in rehabilitating other houses of the period. Such a "city attic" would be a great resource and assurance that the rehabilitation of many buildings would be enhanced by the use of compatible older features. In some instances, it might be appropriate to incorporate these features into new buildings. For example, how sad it is that the iron fence and debarking platforms at the Queen City Hotel site no longer exist to enhance the drab new post office building under construction. In such an instance the old features could be sold to recover the cost of salvage and storage. Such accessories would have also provided continuity just as the old stone walls on Decater Street do.

#### REVOLVING FUNDS

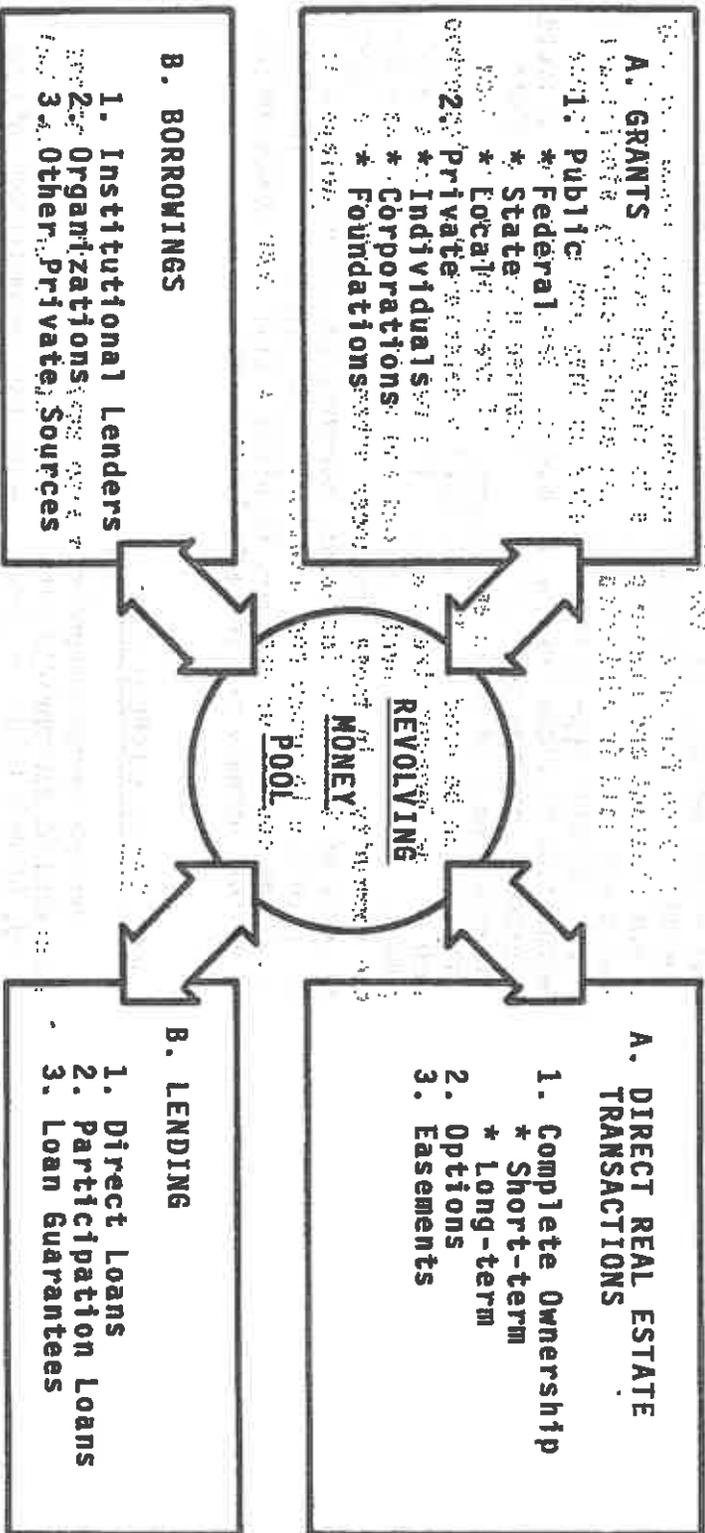
A revolving fund which establishes a monetary basis on which a historic preservation or urban conservation group can buy, sell, maintain, and rehabilitate property has proven to be an effective technique in a wide range of situations. It would be an appropriate and approved method of using Community Develop-

REVOLVING FUND

CASH FLOW

SOURCES OF FUNDS

USES OF FUNDS



This chart showing the operation of a revolving fund is based on material prepared by the Architectural Heritage Foundation in Boston, Massachusetts, and adapted from Preservation News, May 1976.

Arthur Ziegler, Revolving Funds for Historic Preservation.

ment funds. Groups with revolving funds can respond quickly to emergencies by purchasing endangered buildings. Such buildings may be restored, easements placed on them, and they may be re-sold--returning money to the revolving fund to be used in other significant buildings. Alternatively, properties can be transferred and restored by a new owner according to agreements accompanying the sale.

Use of revolving fund techniques places the community in the real estate market. If the program develops successfully, a new economic force for urban conservation emerges and makes the city a more pleasant and stable place to live and work. Properties bought and sold in historically and architecturally significant areas generally appreciate in value as they are restored since restoration attracts private investors. Bank loans, for private investment may then be more easily obtained encouraging older property owners to begin enhancement of their property. Such activity can be used to "bring back" a deteriorating neighborhood such as the Decatur street area. The net value of such a program is increased property values and an increased tax base for the community. In these instances urban conservation is a good business policy. Tax increases, however, should be delayed as an incentive to urban conservation. The restorers of old buildings could, for example, be given a five-year grace period of no tax increase for property improvement.

**NON-PROFIT CORPORATION**

Private sector groups can also employ many of the options described as appropriate urban conservation measures. No local group, however, has yet emerged which has demonstrated ability to carry out timely measures to rehabilitate endangered buildings. One solution which has worked in other communities is the establishment of a private non-profit development corporation composed of individuals with a strong commitment to historic preservation and urban conservation.

This group could support the good and sensitive rehabilitation of old buildings, provide examples of compatible and appropriate signs and lettering in historic areas. In addition, sign a

group could also operate a successful revolving fund, solicit assessments, apply for relevant grants, and contract for feasibility studies for adaptive use proposals. The major benefit of a private non-profit group would be its ability to act quickly on behalf of an endangered building while the city must go through regular channels regardless of time constraints.

#### FINANCIAL INSTITUTIONS

Banks and savings and loans institutions play a vital role in urban conservation. It is imperative that any urban conservation public education and awareness program address employees of these financial institutions. These individuals are in a position to encourage good rehabilitation and construction techniques. These employees need to be aware that synthetic siding, formstone, and other major alterations ultimately adversely affect property values in a historic area, whereas sensitive restorations and renovations enhance property values.

#### PUBLIC PROMOTION

The Chamber of Commerce and Department of Tourism are already aware of some of the benefits the city's historic and architectural resources provide to the community. The Chamber of Commerce in its promotional brochure includes photographs of historic buildings and describes the city's existing National Register historic district--Washington Street. It stops, however, at encouraging prospective newcomers to buy and restore older city homes. Instead, it lists the prices and benefits of suburban living. Architectural and historic resources need to be used and incorporated into the living and working environment. Groups such as the Chamber of Commerce can help by promoting the restoration and renovation of older housing. In most instances renovation is more labor intensive than new construction--an important factor where there is widespread unemployment.

If promoted extensively, Cumberland's architectural and historic resources could mean tourist dollars for the city. The adaptive use of a large vacant building such as the brewery

into a multiple use specialty attraction such as Ghirardelli Square, San Francisco or Trolley Square, Salt Lake City, could supplement the canal and architectural walking tours as an attraction. The city's major role in transportation and westward migration should be exploited as a tourist incentive. Events such as Heritage Days enhance the historic environment giving it animation and excitement.

### LOCAL BUSINESSES

Many merchants own or operate their businesses in historically or architecturally significant buildings. Some of these buildings have been altered unsympathetically; others are almost completely covered by signs. Not only are the many commercial buildings on Baltimore Street attractive, but so are many neighborhood groceries and small businesses. Turn-of-the-century architect George Sansbury designed several pleasant buildings still in use such as 101 South Centre Street and 701-703 Maryland Avenue. One is a handsome, enticing building, the other obscures its details with incompatible signs. Merchants can become aware of their building's history and use it as part of a publicity effort as well as adopting appropriate facade and sign treatments. Other merchants can aid the goals of urban conservation by screening parking lots, adapting old buildings for new uses, and constructing new buildings which are compatible in scale, texture, material, and setback.

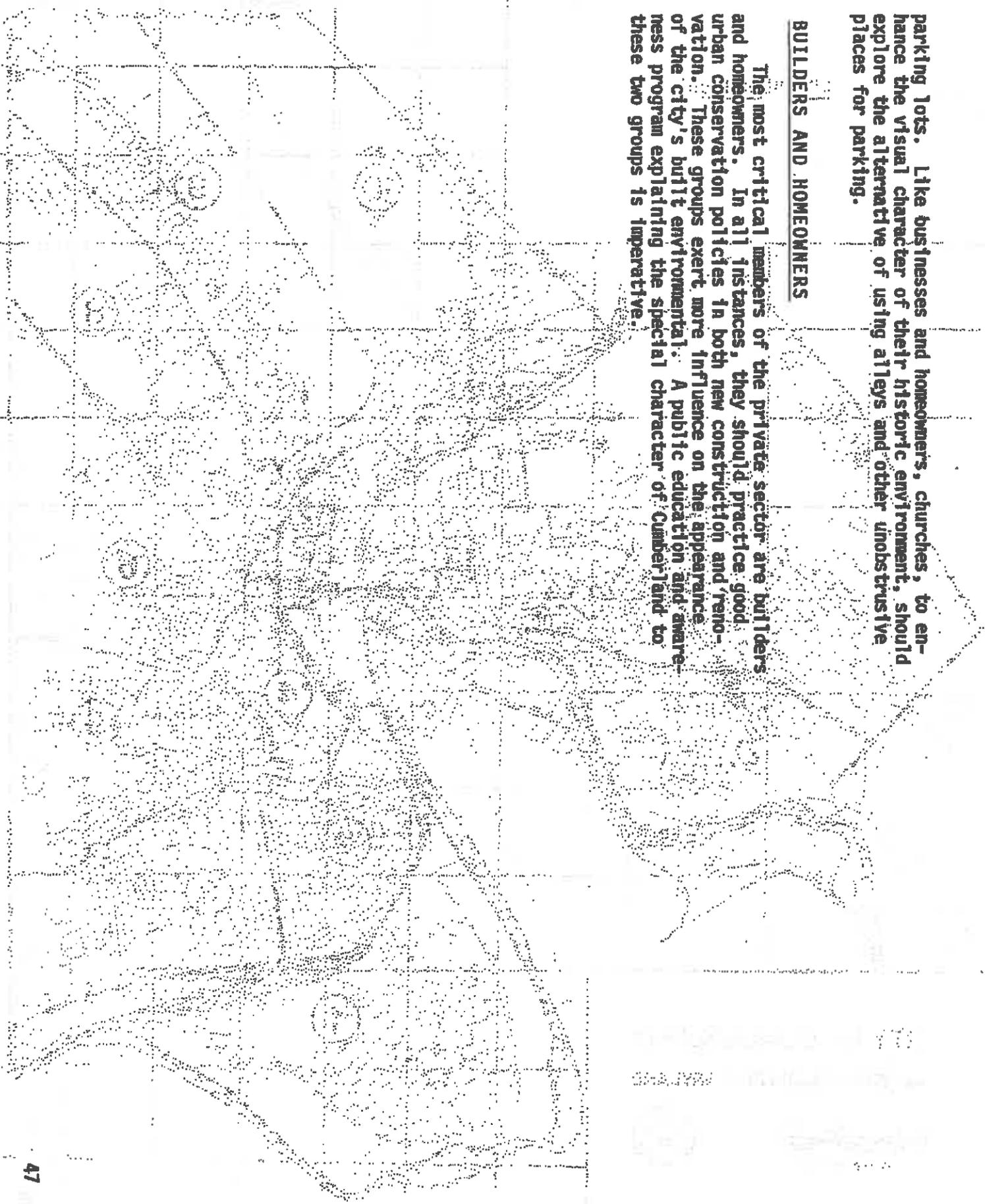
### CHURCHES

The Interfaith Consortium, a local group composed of members of various churches, has engaged in housing rehabilitation for low-income families. The motives of this group are admirable; they should, however, be respectful of the historic character and architectural character of any buildings they renovate. Churches, like local businesses, can have a great effect on urban conservation. Many have exhibited their concern by preserving their beautiful old churches. Keeping active churches in the inner city is a good safeguard of continued mixed land use and neighborhood vitality. Churches, however, are often a threat to urban conservation values when they demolish buildings for unscrupled

parking lots. Like businesses and homeowners, churches, to enhance the visual character of their historic environment, should explore the alternative of using alleys and other unobtrusive places for parking.

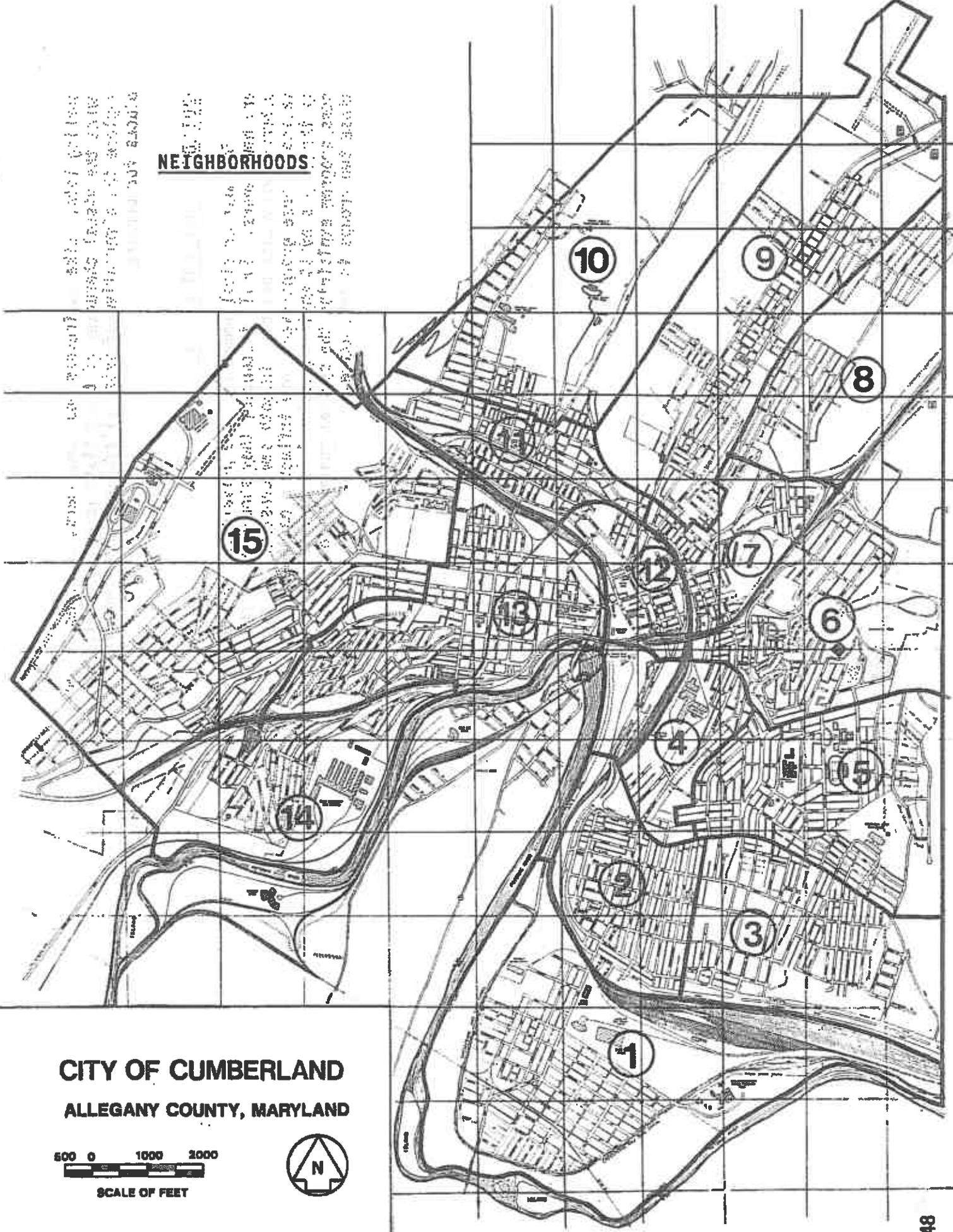
## BUILDERS AND HOMEOWNERS

The most critical members of the private sector are builders and homeowners. In all instances, they should practice good urban conservation policies in both new construction and renovation. These groups exert more influence on the appearance of the city's built environmental. A public education and awareness program explaining the special character of Cumberland to these two groups is imperative.



**NEIGHBORHOODS:**

1. 1st Ward  
2. 2nd Ward  
3. 3rd Ward  
4. 4th Ward  
5. 5th Ward  
6. 6th Ward  
7. 7th Ward  
8. 8th Ward  
9. 9th Ward  
10. 10th Ward  
11. 11th Ward  
12. 12th Ward  
13. 13th Ward  
14. 14th Ward  
15. 15th Ward



**CITY OF CUMBERLAND  
ALLEGANY COUNTY, MARYLAND**



**NEIGHBORHOOD RECOMMENDATIONS**

THE UNIVERSITY OF CHICAGO PRESS

**NEIGHBORHOOD RECOMMENDATIONS**

Each of Cumberland's fifteen neighborhoods has a distinct architectural character. Many have historic qualities and concentrations of significant older buildings. Neighborhoods 3, 5, and 8 are outside the scope of this project since little, if any of the building stock in these areas, is of sufficient architectural or historic interest to qualify for nomination to the National Register of Historic Places at the present time.

Neighborhood 1, referred to locally as Egypt or Lower Cumberland, is heavily associated with the historic transportation movements in Cumberland--the Chesapeake and Ohio Canal and the Baltimore and Ohio Railroad. This area, as a whole, has a fragmented appearance resulting from the varying degrees of maintenance and the incompatible mixture of residential and industrial uses. There is a general lack of amenity; there are few street curbs, sidewalks, or other street amenities. The major visual problem is the absence of any edge or transitional barrier between industrial and residential uses. The neighborhood is bounded on three sides by the Chesapeake and Ohio Canal. Because of its proximity to the canal, an important historical resource and potential tourist attraction, Lower Cumberland is a critical area. The area adjacent to the canal should remain open and free from architectural intrusions. Other suggestions include the following:

- 1) Many older homes are in need of rehabilitation which should be in accordance with the guidelines discussed earlier in this report.
- 2) The sycamore trees on several of the streets east of Virginia Avenue are the major enhancement elements in the area. Unfortunately, the Community Development Program proposes to remove these trees to correct damaged sidewalks. Such an action will seriously damage the historic character of the neighborhood and remove one of the few amenities extant in this area. The area west of Virginia Avenue, however, could benefit from a sidewalk construction and tree planting program.

For a similar neighborhood and appropriate program, see U. S. Department of Housing and Urban Development, Neighborhood Preservation, p. 131.

Neighborhood 2, more commonly referred to as South Cumberland, is a homogeneous area in terms of its nearly uniform architecture from the early twentieth century. Suggestions for this neighborhood include the following:

- 1) a public education and awareness program to acquaint homeowners and landlords of the historic character of the neighborhood and of the sensitive home improvement techniques appropriate to the period of the buildings.  
Homeowners could be assisted with loans from revolving funds or from F. H. A. loans.
- 2) an enhancement program for Virginia Avenue which would stress not only facade restorations and repairs but the importance of adaptive use on this important street.
- 3) Demolition of existing buildings on Virginia Avenue should be avoided. The density of the street is one of the major factors contributing to visual interest. Existing gaps used for parking lots seriously erode the historic character of the street. They should be enhanced by a planting program.
- 4) The street trees in this neighborhood enhance the turn-of-the-century architecture. Most streets were laid out with a grassy plot for shade trees between the sidewalk and the street. Removal of these trees constitutes destruction of the historic environment.
- 5) Industrial Boulevard, East and West, contains a number of pleasant houses which are vacant and in need of repair. Adaptive uses, not demolition, is the appropriate action for these streets.
- 6) Heavy industrial uses are not appropriate in this predominantly residential area and should not occur.
- 7) Brick streets are a resource and should be preserved.
- 8) 222 Springdale Street, presently considered for demolition, should be assessed for its potential for urban home trading.

Neighborhood 3 has several late nineteenth-early twentieth century structures which do not exist in dense enough concentrations to warrant special treatment.

Neighborhood 4 is a complex neighborhood. The intrusion of the housing project on Oldtown Road has substantially altered the historic character of Gay and Glenwood Streets and Oldtown Road. Most of the neighborhood has historic associations with the B. & O. Railroad Rolling Mill.

1) Sensitive housing rehabilitation is necessary on Gay and Glenwood Streets and Oldtown Road.

2) The visual appearance of Maryland Avenue would be enhanced by the planting of street trees.

3) Again, brick sidewalks are a resource to be preserved. The brick paving on Elm Street, a street with little automobile traffic, should be preserved to enhance the mid- and late-nineteenth century architecture of the area.

4) Strict sign controls are appropriate for Maryland Avenue.

5) Additional service stations and parking lots visible from the street will seriously damage the historic and architectural character of this neighborhood. Such uses should be avoided. Existing ones would benefit from landscaping programs to visually absorb their unpleasant appearances.

6) The French Building at the intersection of Millams and Park Streets has important railroad associations. The restoration of this building and its grounds would significantly enhance this area most noted for its loss of the Queen City Hotel. If the B & O Railroad has no use for the building, the city should consider acquisition and restoration for an adaptive use as an office building or community facility.

Neighborhood 5 contains the interesting Johnson Heights Area. It is not appropriate for historic designation at this time but city residents should be aware of the potential which exists in this area. The oldest structures in this area are handsome

bungalows built in the early twentieth century by such major local builders as Atlee Holt and Wimer and George Bowman. Kelly Springfield also built substantial and pleasant houses in this area when it moved to Cumberland from Ohio. Because of its nearly homogeneous character, Johnson Heights is a special place which should be respected in the present and considered for study in the future.

Neighborhood 6 is a visually complex area noted for its topographic variations.

1) The steep slopes preclude modern development in this area.

2) City-assisted housing rehabilitation would be appropriate for Woodside Avenue and parts of City View Terrace.

Neighborhood 7 is probably the most critical neighborhood in the city in terms of its historic environment:

1) Decatur Street and the associated streets--Glenn Street, Fulton Street, and Charles Street--contain the largest concentration of surviving mid-nineteenth-century architecture. It is imperative that this area be protected from visual intrusions by city action.

2) Sacred Heart Hospital on Decatur Street is an important cultural institution. The older portion of the complex consists of a mid-nineteenth-century house enlarged and remodeled in the early twentieth century by the leading local architect Wright Butler. This portion of the hospital should not be deliberately demolished without undertaking a conscientious architectural and economic feasibility study for the old structure. If any portion of the existing facility is used for a senior facility, parking must be treated sensitively in this historic area. A number of parking spaces could be accommodated on Bellevue Street without serious visual disruption. The stone wall separating the hospital lawn from the sidewalk is a distinctive Wright Butler trademark and should be preserved and incorporated into any plans for this historic property.

3) Only two and three-story buildings are appropriate for the immediate Decatur Street area. One-story and high rise buildings are incompatible and inappropriate.

4) Baltimore Avenue needs immediate assistance in sensitive housing rehabilitation. The street's character is defined by its dense and curvilinear building patterns. To alter the line of the road or to demolish buildings along this street would seriously damage the street's potential for visual enhancement.

5) The Queen City Pavement is a special interest area evocative of Cumberland's railroad era. The old Brunswick Hotel Building is the major remaining architectural resource on the pavement. The area has great potential for an adaptive use as a visitor center facility and specialty shops. As a traditional pedestrian environment, its proximity to the proposed mall and other downtown facilities makes it an important resource.

6) Other large underutilized buildings such as the York Hotel and Deal's Mill on Henderson Avenue are important cityscape elements which contribute to the architectural and historic significance of the city. These buildings, which are visually prominent from Baltimore Street, should be considered as resources with potential for adaptive use.

7) To enhance and protect the visual quality of the city's central section, the city must stop the erosion of Henderson Avenue, a highly visible thoroughfare. This street is a strategic place visible from Baltimore Street, the Gee Bee Shopping Center parking lot, and the new railroad bridge between Bedford and Frederick Streets.

8) The City of Cumberland should encourage the YMCA to retain its existing facility on Baltimore Avenue. A move of this large facility from the downtown area would result in another empty large building downtown and a loss of an important social, civic, and recreation center.

The most important architectural and historic resources contained in Neighborhood 9 are located along Bedford Street, the old road to Bedford, Pennsylvania, and a long, linear en-

For a similar neighborhood and appropriate program, see "North Adams, Massachusetts, Neighborhood Conservation, III, p. 70-71.

trance to the City of Cumberland. To protect this entrance and historic corridor, the city should acquire scenic easements at the city limits. Like many areas, Bedford Street could benefit from sensitive city-assisted housing rehabilitation.

Neighborhood 10 also contains an important city edge. The Sylvan Retreat and adjacent farm properties offer important open space to a dense city environment and are the only remaining existing physical reminders of Cumberland's historic rural associations and should be protected by scenic easements.

Neighborhood 11 is another critical center-city area with complex problems. The predominantly residential area north of Henderson Avenue is a dense traditional German neighborhood with important historic associations.

1) Since off-street parking is desirable in this neighborhood, we recommend that the city sponsor a feasibility and design study to consider parking in back alleys. Demolition of buildings on existing streets will erode the historic neighborhood character.

2) To enhance the numerous historic buildings and visual character of Henderson Avenue, there should be a zoning change to RL low density urban residential district from Polk Street to Franklin Street.

3) Three buildings currently proposed for demolition--422 North Centre Street, 622 North Centre Street, and 619 Henderson Avenue are characteristic to late nineteenth century buildings. Transitional Federal-Greek Revival style buildings such as these were once typical and are becoming increasingly rare in Cumberland. The house at 422 North Centre Street is one of the few mid-nineteenth-century buildings remaining which have eyebrow windows in the third-floor attic story. These buildings, with protective facade easements, attached should be made available for urban homesteading.

4) It is imperative that some individual or group preserve the old Cumberland Brewery on North Centre Street. It is an important

portant industrial archaeological site and structure with potential for adaptive use. Its proximity to downtown makes it a good location for a multiple use facility containing specialty shops, restaurants, and arts and crafts studios. Such a facility could be a major tourist attraction in Western Maryland.

5) The mixed-use character of North Mechanic and North Centre Streets is pleasant and traditional. Local churches and businesses should be encouraged to remain in this area to maintain urban vitality. The city government, businesses and churches, however, need to make a commitment to the visual enhancement of this area through sensitive parking treatment, sign revisions, and facade restorations. The appearance of commercial uses, such as the lumber and concrete block establishments can be improved by plantings which can screen the stored materials. Utility poles and wires should either be placed underground, in rear alleys, or behind buildings.

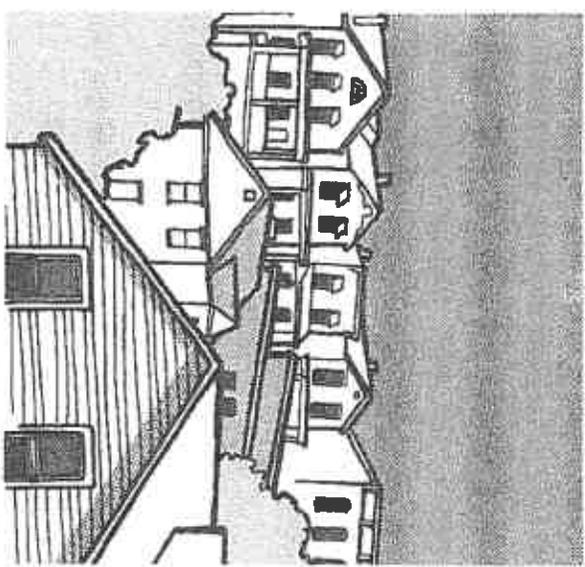
6) The City of Cumberland, to protect its most historic area and entrance, should acquire scenic easements at the city limits near the Narrows on North Mechanic Street and prohibit billboards and other unsightly advertising.

Neighborhood 12, the Central Business District, is one of the city's most distinctive areas and notable for its superior architectural quality.

1) The City of Cumberland should encourage and financially assist facade restorations along Baltimore Street from Mechanic to George Streets and on North Centre and North Liberty Streets between Baltimore and Frederick Streets and protect its investment by acquiring facade easements in this area.

2) The downtown area needs a comprehensive signing system compatible with the historic buildings in the area; such a system should include a historic interpretation graphic system.

3) The City of Cumberland to aid in revitalizing downtown needs to stimulate housing in this area through financially assisted housing rehabilitation on Polk and Hanover Streets.



4) The Post Office and the Centre Street Armory should be preserved with city assistance, if necessary, to insure their existence into the future. Located in the central business district, they are extremely valuable resources and offer potential for adaptive uses should they become vacant.

5) The viaduct, with proper and unobtrusive lighting, could be a downtown focal point.

6) Brick sidewalks should be repaired and preserved.

7) The building at 29-33 Baltimore Street is the oldest surviving commercial building and the only pre-Civil War structure of this historic street. It should not be demolished to facilitate street improvements. Such demolition would destroy the potential for restoration which exists under its present unsightly facade. This building is an important resource.

8) The proposed extension of the Queen City Drive will substantially alter the character of North Centre, Mechanic, Polk, and Hanover Streets. The extension should be accompanied by a street enhancement and planting program to minimize the effect of this major vehicular intrusion.

Neighborhood 13 is most noted for its present National Register district, Washington Street. Its other major historic resource Greene Street is threatened with strip development and convenience stores.

1) Existing parking lots and service stations should be screened with ample plantings.

2) Brick streets and sidewalks need to be recognized as resources and preserved.

3) The visual appearance of Greene Street would be enhanced by the undergrounding of the numerous and highly visible utility wires and poles.

4) The railroad bridges in this neighborhood are historic structures and should be repaired and preserved instead of replaced.

5) The area east of the railroad on Paca and Beall Streets is visually fragmented. The few historic structures which remain should be preserved.

Neighborhood 14 is almost entirely dominated by its associations to the Kelly Springfield Plant. At present there is no need for concentrated city involvement in this area. The plant, hotel building, and company-built housing will become increasingly valuable for their historic associations.

The level of maintenance in Neighborhood 15 is extremely high. Many pleasant and significant buildings and groups of buildings exist on the western portion of Washington and Greene Streets and in the Dingle. These streets appear stable and no threat to the historic environment is apparent.

#### NEIGHBORHOOD SUMMARY

One of the basic motives of neighborhood conservation in Cumberland should be to strengthen the residential community currently living in the community by enhancing the existing physical environment. Public education and awareness of the resources of each neighborhood are essential ingredients for a successful neighborhood enhancement program. It is important that both city officials and residents recognize the value of retaining the original character of the older buildings and the historic environment of each neighborhood in any "improvement" schemes. Cumberland has a valuable architectural and historic heritage; it must strengthen the existing physical fabric through a sensitive policy of urban conservation and enhancement.

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# APPENDIX: NATIONAL REGISTER CRITERIA AND ELIGIBILITY

Control of the National Register of Historic Places is vested in the Secretary of the Interior, who is authorized to issue regulations and to determine the criteria and procedures for the listing of historic places, buildings, objects, structures, and sites. The Secretary may also determine the criteria and procedures for the listing of historic places, buildings, objects, structures, and sites.

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## ELIGIBILITY FOR THE NATIONAL REGISTER OF HISTORIC PLACES

The National Register of Historic Places, authorized under the Historic Sites Act of 1935 and expanded under the Historic Preservation Act of 1966, was designed to be an authoritative guide to be used by Federal, state, and local governments, interested groups, and citizens to identify the nation's cultural resources and to indicate which properties should be considered for protection from destruction or impairment. Properties (objects, sites, structures, buildings, and districts) listed or determined eligible for inclusion in the National Register receive a limited degree of protection from undertakings which are executed, licensed, or financially assisted by the Federal Government. The Advisory Council on Historic Preservation must be given an opportunity to review and comment on such undertakings pursuant to the National Historic Preservation Act of 1966 and Executive Order 11593. In addition, National Register properties, including individual properties contained within districts, are eligible to be considered for National Park Service matching grants-in-aid and for benefits from other Federal programs.

The 1966 Historic Preservation Act authorized a program of matching grants-in-aid to the states through the office of each State Historic Preservation Officer. The State Historic Preservation Officer allocates these grants in accordance with an approved State Historic Preservation Plan to local governments, private organizations, and individuals for the acquisition and restoration of National Register eligible properties and to assist in financing local surveys.

Under the Federal Housing Administration Title I Home Improvement Loan Program, owners of National Register eligible properties will soon be able to apply for loans for rehabilitation, restoration, or preservation work. A maximum of \$15,000 per dwelling unit will be available and the maximum repayment or loan term will be fifteen years. The property must be used primarily as a residence after completion of the improvements. All properties within a district eligible for the National Register will be eligible. These loans are an expansion of the Title I Home Improvement Loan Program which has insured loans since 1935.

FHA insurance often makes a loan possible by taking part of the risk from private financial institutions which might be reluctant to make loans on some of the deteriorated older buildings eligible for the new loans. Community Development block grants can be used to subsidize the interest on rehabilitation loans made at market rates by private financial institutions.

A listing on or determination of eligibility for the National Register of Historic Places does not restrict individual property rights. Owners may continue to alter, or even demolish such buildings. Only local controls can protect historic character by regulating private action.

### National Register Criteria

The criteria used in evaluating potential entries to the National Register are designed to recognize the quality of significance in American history, architecture, archeology, and culture present in districts, sites, buildings, structures, and objects of State or local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (A) that are associated with events that have made a significant contribution to the broad patterns of our history; or
- (B) that are associated with the lives of persons, significant in our past; or
- (C) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (D) that have yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily, cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for

Marilyn Cable, FHA Loans Offered on Historic Houses," Preservation News, May, 1976.

religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(A) a religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(B) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

(C) a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or

(D) a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

(E) a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

(F) a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

(G) a property achieving significance within the past 50 years if it is of exceptional importance.

A National Register eligible property may be an object, site, structure, building or district. These are defined as follows:

An object is a material thing of functional, aesthetic,

cultural, historical, or scientific value; that may be, by nature or design, movable yet related to a specific setting or environment.

A site is the location of a significant event, activity, building, structure, or archaeological resource where the significance of the location and any archaeological remains outweighs the significance of any existing structures.

A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

A building is a structure created to shelter any form of human activity. This may refer to a house, barn, church, hotel, or similar structure. Buildings may refer to a historically related complex, such as a courthouse and jail or a house and barn.

A district is a geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or by physical development.

The following areas of significance, derived from themes used by the National Park Service, are several of the categories which may qualify a property for listing on the National Register:

- 1) Archaeology-Prehistoric: the scientific study of the life and culture of indigenous peoples before the advent of written records.
- 2) Archaeology-Historic: the scientific study of life and culture in the New World after the advent of written records.
- 3) Architecture: the style and construction of buildings and structures.
- 4) Art: concerning creative works and their principles: fine arts and crafts.

5) Commerce: production and exchange of goods and the social contracts thereby encouraged.

6) Community Planning: the design of communities.

7) Economics: the science that deals with the production, distribution and consumption of wealth.

8) Education: formal schooling or the methods and theories of teaching or learning.

9) Engineering: the applied science concerned with utilizing products and sources of power for supplying human needs in the form of structures, machines, etc.

10) Exploration/Settlement: the investigation of regions previously unknown; the establishment of a new colony or community.

11) Industry: enterprises producing goods and services.

12) Invention: something originated by experiment or ingenuity.

13) Landscape Architecture: the art or practice of planning or changing land and water elements for the enhancement of the physical environment.

14) Literature: the production of writings, especially those of an imaginative nature.

15) Military: concerning the armed forces and individual soldiers.

16) Music: the art of combining vocal or instrumental sounds or tones.

17) Politics/Government: an established system of political administration by which a nation, state, city, etc. is governed.

18) Religion: systems and expressions of belief in a supra-

human power that have made a contribution to the patterns of culture.

19) Science: a systematic study of nature.

20) Social/Humanitarian: concerning human beings living together in a group or the promotion of the welfare of humanity.

21) Theatre: the dramatic arts and the places where they are enacted.

22) Transportation: concerning the work or business or means of conveying passengers or materials.

These areas of significance are applicable to many types of properties extant in the City of Cumberland. The following examples listed as eligible by the National Register of Historic Places cover the complete range of objects, sites, structures, buildings, and districts which may be of cultural importance to a community; they include but are not limited to the following:

- 1) notable examples of architectural styles, periods, or methods of construction, especially representing local and regional types.
- 2) buildings by architects or master builders.
- 3) districts or groups of buildings which physically and spatially comprise a significant environment; groups of related buildings which represent a progression of various styles and functions, cohesive townscapes or streetscapes.
- 4) studios of American artists, writers, or musicians during years of significant activity.
- 5) institutions which provide evidence of the cultural history of a community: churches, theatres, entertainment centers.
- 6) stores and businesses which provide a physical record of the experience of particular ethnic groups.

7) commercial structures, markets, and commercial blocks.  
8) industrial and engineering structures and sites such as mills, warehouses, aqueducts, quarries.

9) historic sites, campsites, battlefields, early trails, locations of early forts.

10) sites and groups of structures representing historical development patterns: seaports, mill towns, commercial and trade centers; county seats, including original patterns of areas (early street patterns and early land holdings).

11) transportation sites and structures; railroads, turnpikes, canals, tunnels, ferries, covered bridges, roundhouses, and light-houses.

Using a combination of these categories and the range of objects, sites, structures, buildings, and districts in the City of Cumberland, we have selected several areas of the city as potentially eligible for listing with the National Register of Historic Places. Although there are exceptional objects, sites, structures, and buildings within the City of Cumberland which are individually worthy of nomination to the National Register, these elements do not occur in an isolated environment. Instead, they are key and integral elements within definable areas of historic interest and architectural character. For this reason a district approach is more appropriate for the City of Cumberland. In each instance the district is documented in Volume 1 with the following information:

- 1) concise statement of why the district is significant
- 2) origins and historical developments of the district including relevant time periods, architects, and builders
- 3) general analysis of architectural styles or periods represented in the district
- 4) significant events or personalities associated with the district or with individual elements within the district

5) effect of architectural intrusions in the district

6) explanation of how district boundaries were chosen. Considerations include physical barriers or edges such as bodies of water and highways, new development, a change in character, or decline in concentration of significant properties to the point where the integrity of the district has been lost.

In addition each district is graphically depicted in a map showing individual buildings in the district by time periods, intrusions, and boundaries; and visually in selected representative photographs and graphs which relate the essence of the area.

Certain individual buildings not contained within cohesive, geographical areas of architectural or historic significance are also eligible for the National Register of Historic Places. Among these eligible buildings are the Footer Dye Works complex and the Centre Street Armory.

See Volume 1, Historic Sites Inventory File.

One of the most critical recommendations in this working document concerns the eligible buildings, structures, and districts identified during the survey that are potentially eligible for the National Register of Historic Places. All of these elements meet the criteria established by the National Register, yet there has been no official determination of their eligibility. Several of these areas may not qualify because of the number of modern architectural instructions or because of the lack of architectural integrity of some buildings. The only way the city can definitely ascertain which areas are of National Register quality is to either make nominations to or ask for a determination of eligibility from the National Register of Historic Places. We strongly urge the city government to take both approaches. As a gesture of commitment to the goals of urban conservation we suggest that the city, using the forms prepared during the survey and contained in Volume 1, nominate the high priority areas identified for the purposes of this survey: the South Cumberland District, the Rolling Mill District, the Decatur Street District, the Dumphundred District, the Canada/Viaduct District, the Downtown Baltimore Street District, and the West Side District to the National Register of Historic Places and ask for a determination of eligibility for the Kelly Springfield District

and the Egypt District. Once a determination is made, the city will no longer have gray areas in which their use of federal funds is subject to question based on their eligibility for the National Register. At present, the city has the responsibility to determine architectural or historic significance for each property. It considers for federally financed rehabilitation, alteration, restoration, or demolition. A determination of eligibility from the National Register of Historic Places would reduce the number of buildings for which it must assess significance and allow the Advisory Commission to devote a more significant portion of their activities to positive urban conservation measures than their present responsibilities allow.

The areas mentioned above meet some of all of the criteria identified in the preceding pages. The descriptions which follow should be supplemented by referring to Volume 1 of the Architectural and Historic Survey.

### Egypt

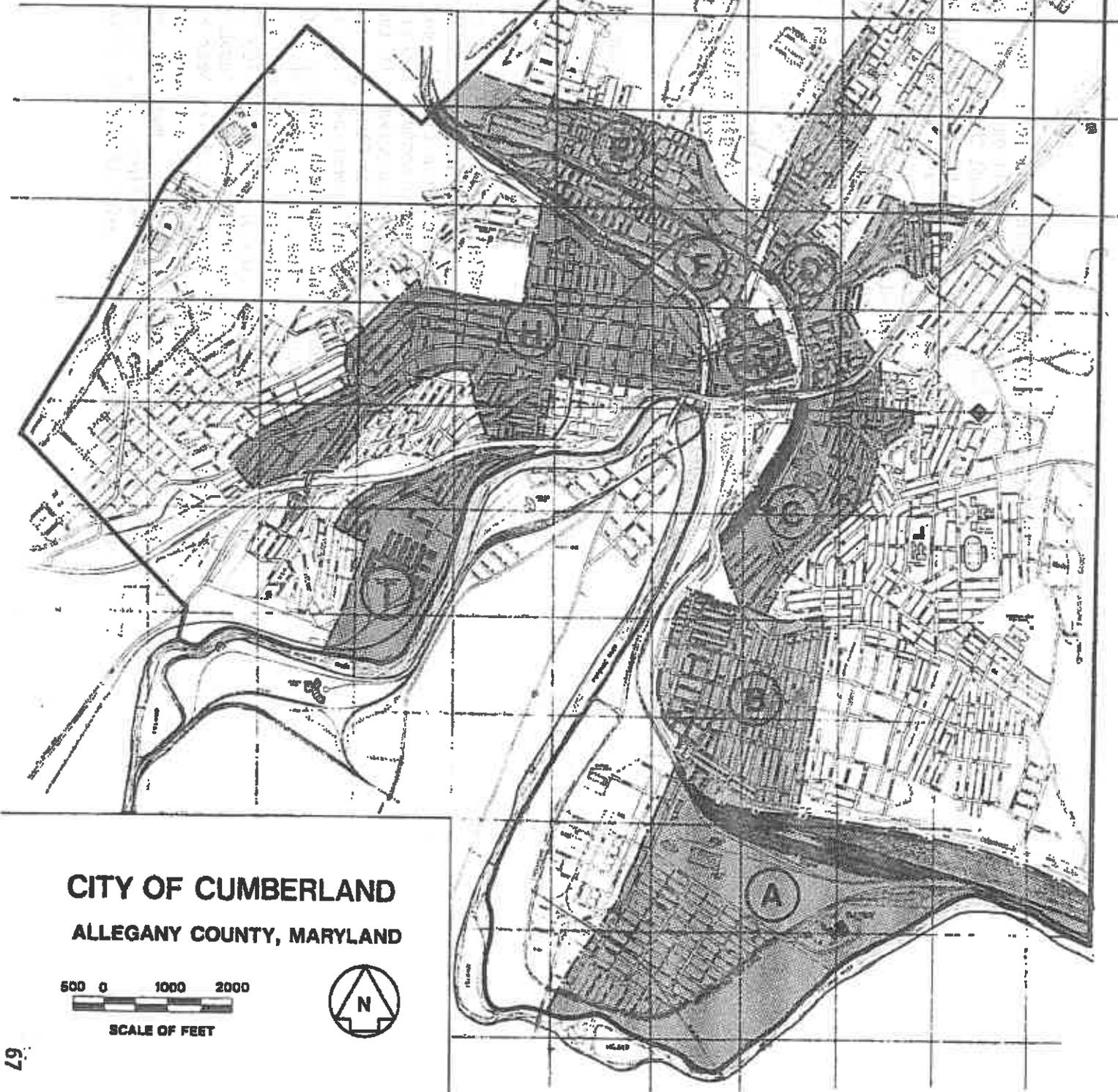
The four block area comprised of Ofutt, Elder, Humbird, and Mary Streets from Virginia Avenue to the canal is the place within the district with the highest concentration of homogeneous workers' houses dating mainly between 1894 and 1910. The designs of these houses, based primarily on turn-of-the-century architectural pattern books, are representative of worker family housing in this period. The B & O Railroad and the repair shops have exerted a strong influence on this area. The canal area, of course, is of major significance as a historic structure associated with the national phenomenon of canal building. The Egypt District is bounded on the east and on the south by the Potomac River at the city limits; on the west by the back property lines on the west side of Virginia Avenue; and on the north by the northern edge of the B&O Railroad tracks.

South Cumberland is the largest concentration of working class housing and associated business district in the city. Nearly homogeneous in age and architectural styles, this area is clearly of historic district quality because of its close association

NATIONAL REGISTER

ELIGIBLE DISTRICTS

- A. EGYPT
- B. SOUTH CUMBERLAND
- C. ROLLING MILL
- D. DECATUR STREET
- E. DUMBHUNDRED
- F. CANADA/VIADUCT
- G. DOWNTOWN/BALTIMORE STREET
- H. WEST SIDE
- I. KELLY SPRINGFIELD



**CITY OF CUMBERLAND**  
**ALLEGANY COUNTY, MARYLAND**



action with the railroad movement and local industries, such as the silk mill, glass works, and railroad repair shops. Much of the area is well-maintained although there is a substantial minority of deteriorating housing stock. The historic and architectural character of the area is threatened by such unsympathetic modern "improvements" as changing traditional window sizes to fit standard 1970's specifications, incompatible scale aluminum siding, and the elimination of delightful architectural ornaments--turned porch posts, decorative bargeboards, and decorative window moldings. The boundaries for the South Cumberland District are as follows:

north--from the rear property lines on the north side of Oldtown Road from South Street to Virginia Avenue, and north to the west side of Industrial Boulevard from Lamont Street.

south--B & O Railroad tracks.

east--rear property lines on the east side of South Street.  
west--west edge of Industrial Boulevard.

#### Rolling Mill

Closely associated with the Baltimore and Ohio Railroad West Bound Yards and the site of the nineteenth-century railroad rolling mill, the Rolling Mill district is a visually complex, but interesting area. Mid-late nineteenth-century transitional Federal/Greek Revival style buildings are interspersed with turn-of-the-century bracketed, shed-roofed buildings on Elm, Spring, Glenwood, Gay, and Maryland Avenue. Maryland Avenue provides a representative sampling of nineteenth and twentieth century architecture. The deteriorating, but once fine, Haley House at 634 Maryland Avenue is a rare example of middle-class use of the Italianate style in Cumberland. Its association with the Haley family, a major supplier of local building brick, makes it doubly important. The buildings at 423 and 425 Ascension Street bear a strong similarity to the buildings constructed by the Baltimore and Ohio Railroad in the nineteenth century. Especially important are their blind windows and distinctive brick detailing. This district has a number of deteriorating structures which should be conserved through sym-

pathetic rehabilitation in order to preserve the characteristic and pleasing streetscapes of this area. Broadway Street and Broadway Circle offer interesting topographic variation and siting of early twentieth-century builder houses. The Rolling Mill District has the following boundaries:

north--the National Highway, U. S. Route 48

south--south edge of Oldtown Road from the B & O Railroad tracks to Lamont Street

east--crest of the ridge between Maryland Avenue and Stuart and Hawthorne Streets and thence from Sheridan Street to the rear property lines on the east side of Ascension Street and across Williams Street to the rear property lines on the north side of sides of Broadway Circle to Chaney Street, and proceeding due west along Chaney Street to Boyd Street, and from this point north to the National Highway, U. S. Route 48

west--B & O Railroad tracks at the western edge.

#### Decatur Street

The historic Decatur Street area, is one of the densest concentrations of mid-nineteenth-century buildings in the city. Decatur Street, once a fashionable place to live, suffers from deterioration which can be halted through a major conservation and enhancement program. This street and the associated streets perpendicular to Decatur Street are major historical and architectural resources. Buildings such as the Maryland Avenue, offers a varied streetscape. Buildings such as the Leasure Stein Funeral Home and the Koons House, 221 Baltimore Avenue, are outstanding. The street also offers a variety of early twentieth-century concrete block houses. Bedford Street is a traditional, linear, residential street with a pleasing mix of nineteenth and twentieth-century residential architecture.

The Decatur Street district has the following boundaries:

north--The western edge of the B&O Railroad tracks along the west side of Frederick Street (where the new railroad bridge is under construction) to Footer Place and westward to the rear property lines on the west side of Bedford Street from the fork in the road (in the middle of the block between Independence and Linden Streets) to the southern edge of Regina Avenue and southward along the rear property lines on the east side of Bedford Street and the north side of Pearye Street; and from this point along the rear property lines on Woodlawn Terrace and proceeding along the rear property lines on the east side of Davidson Street and north side of Helen Street to the rear property lines on the west side and north side of Baltimore Avenue and Goethe Street (exclusive of the cemeteries) to the National Highway, U. S. Route 48, and along the rear property lines on the south side of Baltimore Avenue to the rear property lines on the east side of Marlon Street.

south--National Highway, U. S. Route 48

east--north, from the rear property lines on the east side of Marlon Street along the northern edge of Dewey Terrace to the rear property lines on the east side of Waverly Terrace and Ridgeway Terrace across Baltimore Street and proceeding directly southeast to the National Highway, U. S. Route 48

west--the eastern edge of the B&O Railroad tracks.

#### Dumbhundred

The traditional "Dumbhundred" area of Cumberland--the home of many German glass workers, brewers and others who lived in this area in the nineteenth and early twentieth century--is probably the most complex area in the city. Wright Butler, Cumberland's prolific local architect and designer of the Allegany County Courthouse, was born in this area, lived there for most of his life, and designed a number of delightful, if unpretentious, Queen Anne style houses on Columbia Street. West of Valley Street is an area which is primarily a mixture. George Sansbury, a local architect of some importance, appears to have been associated with a number of these pleasant, but modest homes, which, like those in South Cumberland, are beginning to undergo inappropriate modernizations. The Dumbhundred National

Register eligible district is bounded on the north from the city limits through the rear property lines on the north side of Shriver Avenue to Franklin Street and from this point along the northern edge of Fairview Street (exclusive of St. Patrick's Cemetery) to Valley Street and the rear property lines on the north side of Chestnut and Independence Streets to the east side of Bedford Street from Henderson Avenue to the fork in Bedford Street in the middle of the block between Independence Street and Linden Street. It is also bounded on the south by the B & O Railroad tracks, on the east by Bedford Street at the railroad bridge under construction, and on the west by the city limits near the Narrows.

Canada/Viaduct  
South of Henderson Avenue, Centre and Mechanic Streets--are narrow, winding streets once known as "cowpath roads"--are filled with nineteenth and early twentieth-century buildings of major local significance. The traditional mixed-use streets in the city, these streets provide strong continuity from past to present. The viaduct, a significant nineteenth-century structure, much noted by early travelers to the area, is a major resource as are the picturesque engine house on North Mechanic Street and the Cumberland Brewing Company buildings on North Centre Street. Near the city limits at the Narrows stands a mile-long post surviving from the era when Cumberland was the eastern terminus of the National Road. The Canada/Viaduct eligible district extends from its northern boundary--the B & O Railroad tracks--south to Hill's Creek; and east from the northern property line of the John F. Kennedy high-rise apartment building between North Mechanic and North Centre Streets to the northern side of North Centre and the southern edge of Bedford Street from North Centre Street to the B & O Railroad; and west to the city limits near the Narrows.

#### Downtown/Baltimore Street

The visual character of the Central Business District is dominated by the outstanding turn-of-the-century commercial architecture of Baltimore Street. A variety of revival styles give this street great potential for sensitive rehabilitation

and enhancement through facade restoration and proper signage. Polk and Hanover Streets, the last remaining residential streets in the central business district, are pleasing for their tightly defined streetscapes and provide an excellent opportunity for downtown housing. The Downtown eligible district has the following boundaries:

north--the northern side of Bedford Street from the Bell Tower Building located at the intersection of North Liberty and Bedford Streets to the rear property lines on the east side of North Centre Street and to the rear property lines on the north side of Baltimore Street to the east side of George Street.

south--the southern edge of Harrison Street from George Street to North Mechanic Street and along the northern edge of the National Highway, U. S. Route 48, to Mill's Creek

east--the eastern edge of George Street to the southern edge of Harrison Street

west--Mill's Creek to the north side of Baltimore Street from Mill's Creek to the intersection of North Mechanic Street and from this point along the rear property lines on the north side of Baltimore Street and the west side of Liberty Street to the rear property lines of the Public Safety Building, Central Fire House #1, and the Bell Tower Building to the south side of Bedford Street.

**West Side**

The West Side District contains much of Cumberland's fashionable west side. Traditionally the home of affluent and comfortable industrialists, merchants, and professionals, this area has the finest concentration of residential architectural styles. Washington Street is intimately associated with scores of interesting personalities from Cumberland's past and a number of good quality architects of both national and regional significance. Green Street, a historic settlement area, is another street with a significant number of mid nineteenth-century buildings and early twentieth-century architect designed homes. Western most portion of the district is primarily comprised

of twentieth-century development architecture. The colonial, classic, and English domestic revival architecture of west Washington Street is significant and offers continuity to the more historic east end. The Dingle, laid out in 1906 by an English landscape architect John Forsyth, is probably the only area in the city in which landscape, siting, and other environmental design considerations played a major role.

The West Side District is bounded in this way:

north--from W111's Creek along the western edge of Tighman Street to the northern edge of Fayette Street (exclusive of the cemetery) and from this point to Karns Avenue

south--from Sandringham Circus along the northern edge of the National Highway, U. S. Route 48, to the rear property lines on the south side of Gephart Drive which becomes Lowndes Terrace to the intersection with McKinley Avenue and southward along the eastern edge of Locust Street to the Northern edge of the National Highway, and from this point along the rear property lines on the east side of Allegany Street to the rear property lines on the south side of Greene Street to W111's Creek.

east--W111's Creek

west--along the rear property lines on the west side of Fayette Street from Karns Avenue to the rear property lines on the west side of Braddock Road to the alley known as Sandringham Circus.

#### Kelly Springfield

The Kelly Springfield district is a homogeneous grouping of early twentieth-century industrial buildings, a worker hotel, and single family detached worker housing. Built in or near 1920, the worker housing was commissioned by the Kelly Springfield Tire Company, designed by the Winter Homes Corporation, and constructed by the Hunkin-Conkey Construction Company. One of the first modern tire plants in the world, the Kelly Springfield plant is also significant. The city should request a determination of eligibility from the National Register of Historic Places. The Kelly Springfield district is bounded on the north by the southern side of the National Highway, U. S. Route

48, and by the rear property lines on the west side of Sperry Terraces on the south and east by the Potomac River; and on the west by the southern edge of Edison Avenue and along the eastern edge of the proposed extension of Patterson Street (a paper street) to the city limits at the Potomac River.

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## ACKNOWLEDGMENTS

In accordance with our philosophy of living and working within the community, the survey team has resided in the City of Cumberland during the six-month study. Cumberlanders have contributed to the survey and have made our stay a pleasant one. Charles L. Patterson, Coordinator of Community Development Programs has devoted much time and effort to the survey. George Scarlett, Director of the Community Development Department provided access to the over-eight-thousand building permits studied. Monthly meetings with the Advisory Commission on Historic Matters have provided opportunities for initial discussions on the role of historic preservation in urban conservation. Herman Miller, local historian and citizen liaison, has contributed warmth, humor, and local color to the survey effort.

Special thanks are extended to the following individuals who made information and services available and who provided us with valuable insights: Mr. and Mrs. Charles L. Patterson, Mr. and Mrs. William C. Glchrist, Mr. and Mrs. James Bishop, Delegate and Mrs. Thomas Cumskey, the staff of the Engineering Department, Ron Crites, Spike Clark, Tom Ward, Linda Grant, and Joseph Ketter.

We extend a very special thank you to Herman and Stacia Miller for their constant interest and contributions.

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**Alan G. Mease**

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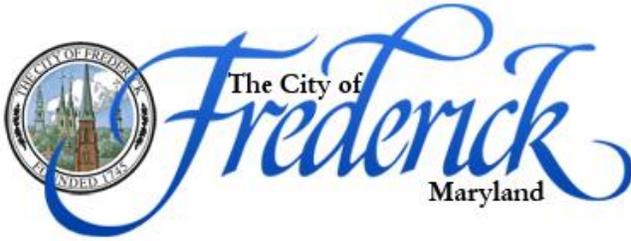
**Frank A. Trozzo**

ARCHITECTURAL AND HISTORIC SURVEY TEAM  
LAND AND COMMUNITY ASSOCIATES  
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- GRAPHICS COORDINATOR/LANDSCAPE PLANNER.....RUSSELL C. SCOTT
- CITIZEN LIAISON.....HERMAN J. MILLER

**Item Attachment Documents:**

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



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

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**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. The outcome of demolition review is either the issuance of a Certificate to Demolish without Delay or designation of the structure as a Historic Preservation Overlay (HPO). Alternatively, plans may be amended to retain the structure and the request for demolition review withdrawn.

**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 Demolition without Delay has been issued for a structure, the demolition review process is complete. A copy of the certificate shall be filed with all development plans and/or building permits. Certificates are valid for five (5) years from the date of issue.

**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?**

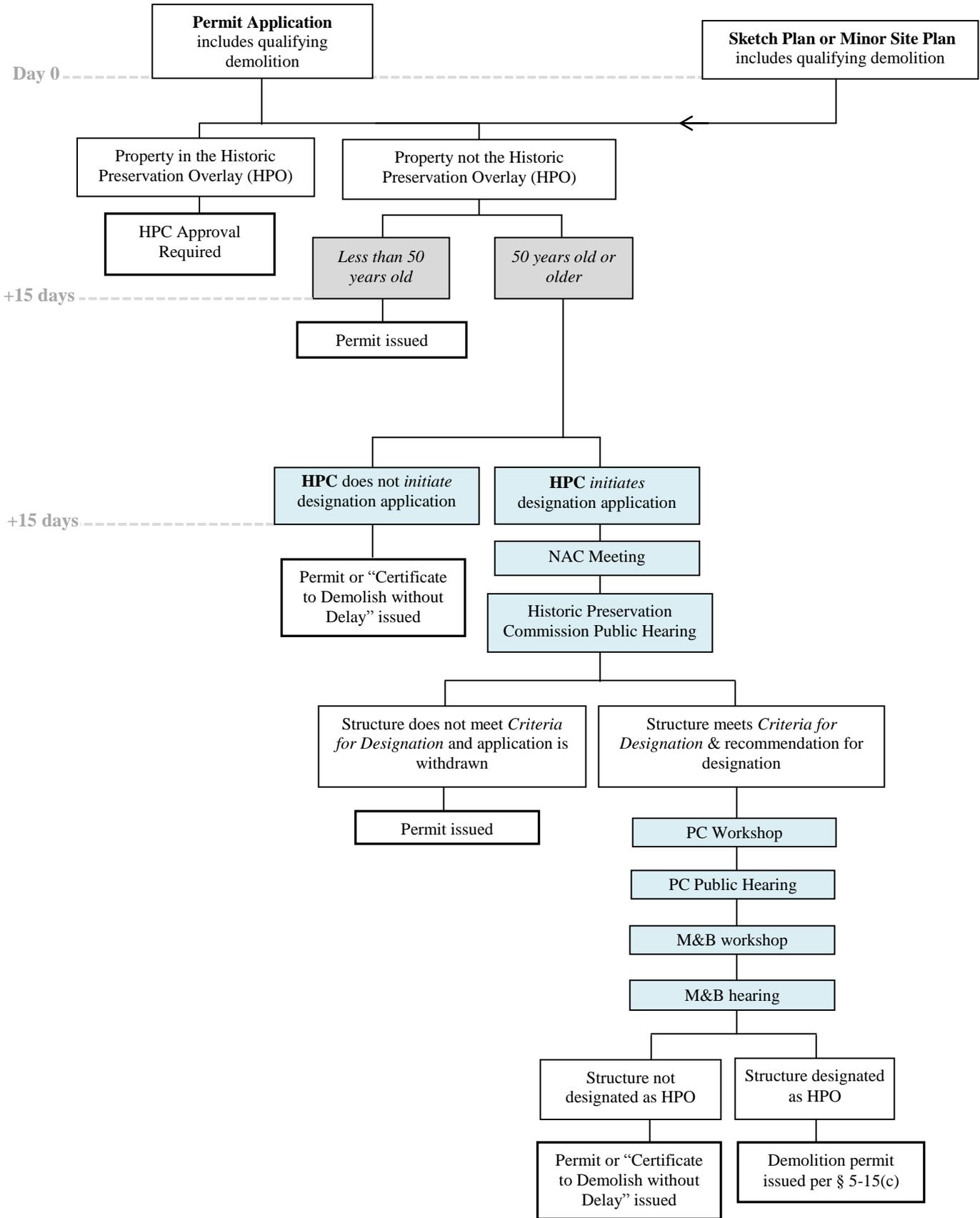
Within 15 days the Planning Department will determine if the structure is 50 years old or older. If the structure is not, the permit will be issued. If it is 50 years old or older, the demolition review period will be extended an additional 15 days for Historic Preservation Commission input. The review 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.**



# 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](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](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](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

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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](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)



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## 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).

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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>

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[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/)

*A National Trust preservation law publication . . .*

## Protecting Potential Landmarks Through Demolition Review

*by Julia H. Miller*



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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

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\*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.

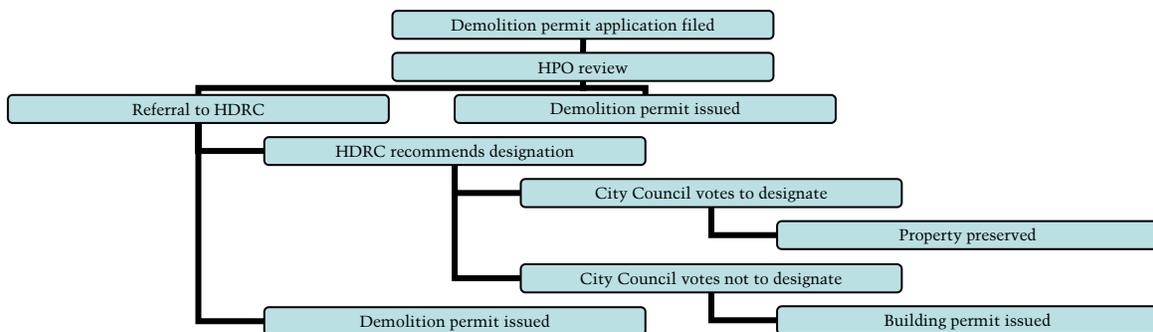
In Newton, Massachusetts, the demolition review requirement applies to any permit, without regard to whether it is called a demolition permit, alteration permit, or building permit, if it involves total and partial demolitions. A “total demolition” is “[t]he pulling down, razing or destruction of the 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.

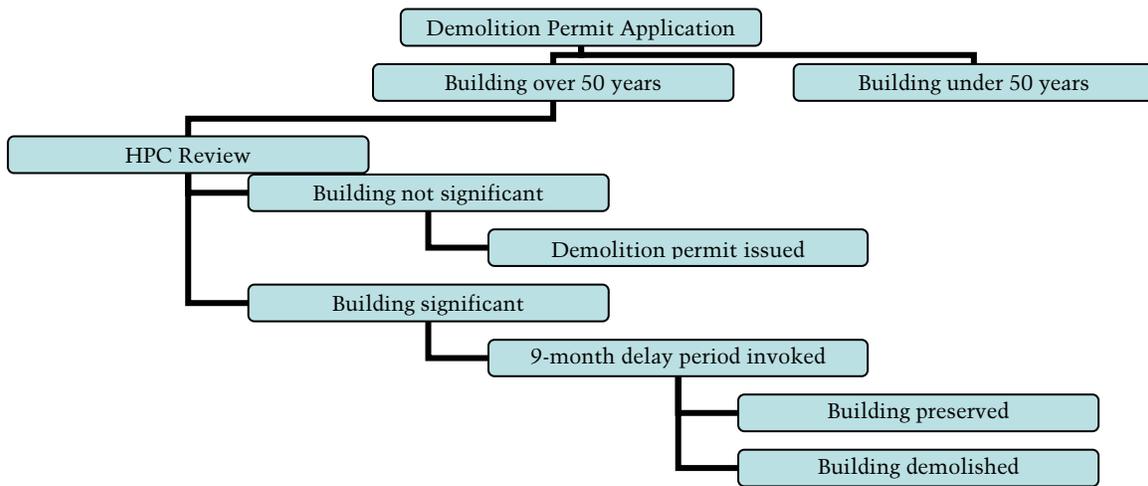
#### San Antonio Demolition Review Process



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](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](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](http://www.municode.com/resources/online_codes.asp)

#### Florida

Gainesville Code of Ordinances § 6-19.  
[http://www.municode.com/resources/online\\_codes.asp](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](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](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](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/](http://www.amlegal.com/montgomery_county_md/)

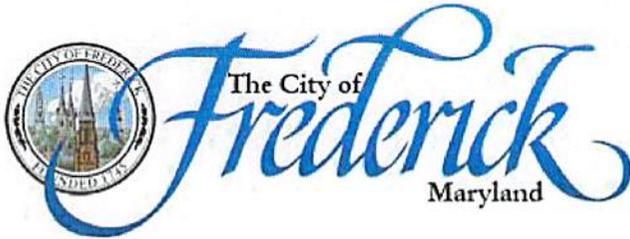
## **New Hampshire**

Concord Code of Ordinances, Art. 26-9 §§16-9-1 through 16-9-5.  
[http://municode.com/resources/on-line\\_codes.asp](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](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](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*

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**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?**

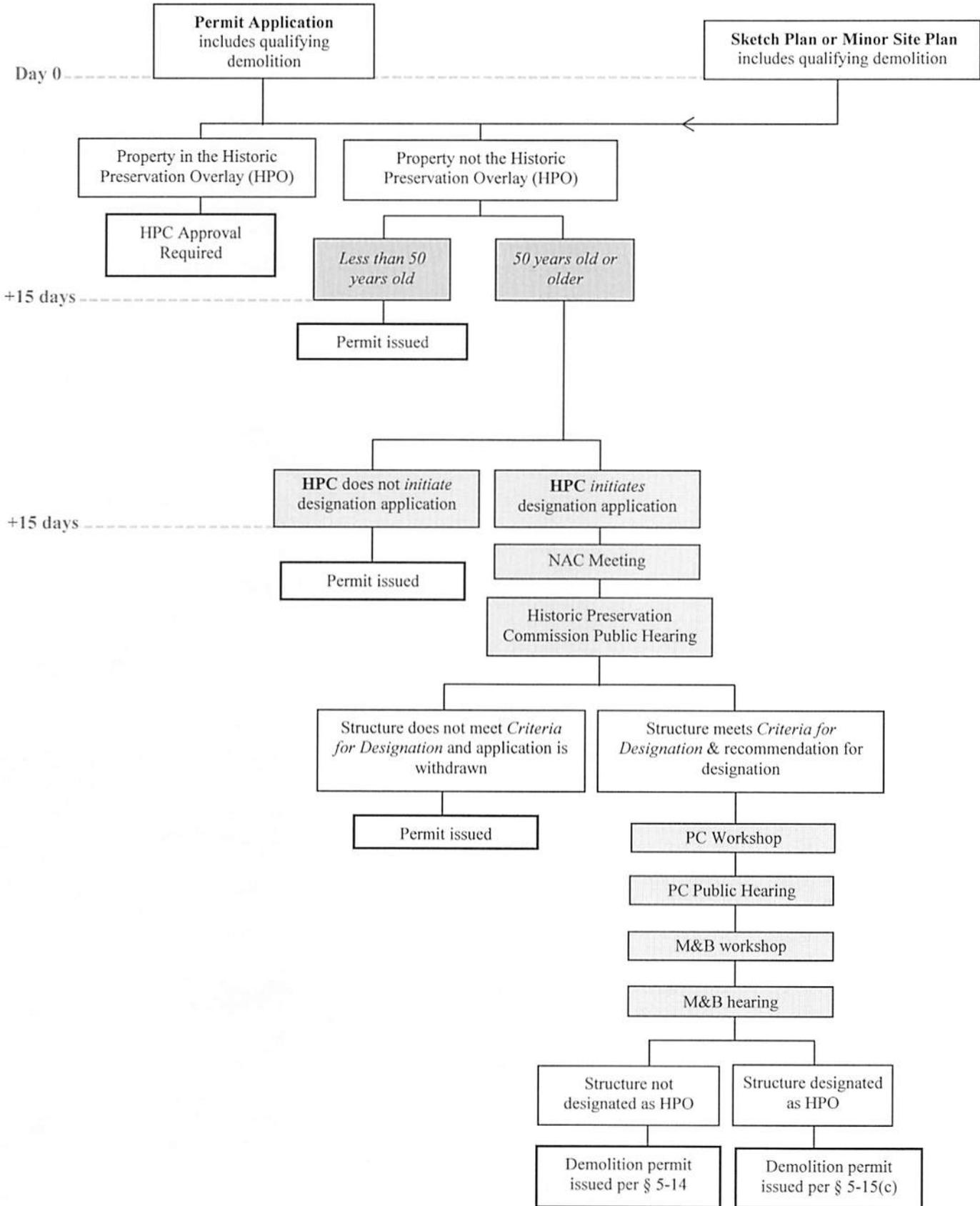
Within 15 days the Planning Department will determine if the structure is 50 years old or older. If the structure is not, the permit will be issued. If it is 50 years old or older, the demolition review period will be extended an additional 15 days for Historic Preservation Commission input. The review 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.

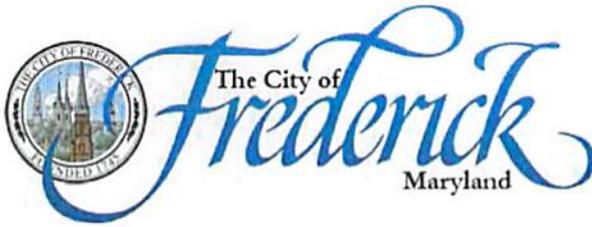
**PLEASE CALL THE PLANNING DEPARTMENT AT 301-600-1499 FOR MORE INFORMATION.**

## 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.

<b>PROJECT NAME:</b>	
Project Address:	
City/State/Zip:	
Tax ID:	Lot(s) Number:
<b>PROJECT CONTACT INFORMATION</b>	
Owner:	Agent (if applicable):
Firm/Company:	Firm/Company:
Address:	Address:
City/State/Zip:	City/State/Zip:
Phone:	Phone:
Fax:	Fax:
Email:	Email:
<b>SKETCH/MINOR SITE PLAN CASE # (if applicable):</b>	
<b>PROPOSED DEMOLITION (check all that apply):</b>	
<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).	<b>Attachments Required</b>
<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

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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 \_\_\_\_\_

ASBESTOS MD. D.O.E. 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.

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 2<sup>nd</sup> 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](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/m<sup>2</sup>).

**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/m<sup>2</sup>) 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.***