

1  
2 MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION

3 -----x  
4 HISTORIC AREA WORK PERMIT - : HPC Case No. 37/03-10AAA  
5 7019 Eastern Avenue :  
6 :  
7 -----x  
8 HISTORIC AREA WORK PERMIT - : HPC Case No. 31/06-10D  
9 3914 Baltimore Street :  
10 :  
11 -----x  
12 PRELIMINARY CONSULTATION - :  
13 15020 Clopper Road :  
14 :  
15 -----x

16 A hearing in the above-entitled matters was held on  
17  
18 September 22, 2010, commencing at 7:34 p.m., in the MRO  
19 Auditorium at 8787 Georgia Avenue, Silver Spring, Maryland  
20  
21 20910 before:

22 COMMISSION CHAIRMAN

23 THOMAS JESTER, Chair

24 COMMISSION MEMBERS

25 M' LISA WHITNEY

WILLIAM KIRWAN

LESLIE MILES

PAUL TRESEDER

CRAIG SWIFT

SANDRA HEILER

MEG MAHER

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A P P E A R A N C E S

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1 permits. Have these work permits been duly advertised?

2 MR. SILVER: Yes. They were advertised in the  
3 September 8, 2010 edition of the Washington Examiner.

4 MR. JESTER: Thank you. We're going to begin by  
5 identifying the cases that we believe can be expedited based  
6 on the staff reports. Is there anyone here to speak in  
7 opposition of Case A at 246 Park Avenue in Takoma Park? Is  
8 there anyone here to speak in opposition to Case B at 9929  
9 Capitol View Avenue in Silver Spring? Is there anyone here  
10 to speak in opposition to Case C at 7123 Maple Avenue in  
11 Takoma Park? Is there anyone here to speak in opposition to  
12 Case D at 3712 Bradley Lane in Chevy Chase? Is there anyone  
13 her to speak in opposition to Case E at 7128 Willow Avenue  
14 in Takoma Park? Is there anyone here to speak in opposition  
15 to Case G at 25801 Frederick Road in Hyattstown? Is there  
16 anyone here to speak in opposition to Case I at 7122 Maple  
17 Avenue in Takoma Park? And, is there anyone here to speak  
18 in opposition to Case L at 10549 St. Paul Street in  
19 Kensington?

20 MS. MILES: Mr. Chairman, hearing none then I move  
21 that we approve the following Historic Area Work Permits in  
22 accordance with the staff report. Case No. 37/03-10RR at  
23 246 Park Avenue in Takoma Park; Case No. 31/07-10F at 9929  
24 Capitol Avenue, Silver Spring with the additional condition  
25 that the applicant will ensure protection of the tree in the

1 public right-of-way; Case No. 37/03-10YY at 7123 Maple  
2 Avenue, Takoma Park; Case No. 35/13-10T at 3712 Bradley  
3 Lane, Chevy Chase; Case No. 37/03-10ZZ at 7128 Willow  
4 Avenue, Takoma Park; Case No. 10/59-10C at 25801 Frederick  
5 Road, Hyattstown; Case No. 37/03-10XX at 7122 Maple Avenue  
6 in Takoma Park; and Case No. 31/6-10E at 10549 St. Paul  
7 Street in Kensington with the condition that we will accept  
8 option one for a brick foundation.

9 MR. JESTER: Is there a second?

10 MS. WHITNEY: I second.

11 MR. JESTER: Any discussion? All in favor. The  
12 motion passes unanimously. If those are your cases, we  
13 appreciate your work on them. You can see staff with any  
14 questions, but those cases are approved. The first case  
15 we're going to hear this evening is Case H at 7019 Eastern  
16 Avenue in Takoma Park. Is there a staff report?

17 MS. FOTHERGILL: There is. This is a contributing  
18 resource in the Takoma Park Historic District and the  
19 Commission is familiar with this proposal because the  
20 applicants came to the Commission for a preliminary  
21 consultation on August 11, 2010. And, you'll find in your  
22 staff report the draft transcript from that meeting and the  
23 plans from the original proposals are in circles 45 through  
24 50 of your staff report.

25 The applicants are proposing a two-story rear

1 addition with a shed dormer on the left side and a screened  
2 porch on the first floor. There would be a new roof over a  
3 section of the existing non-historic rear addition that will  
4 connect to the proposed addition's roof and the connecting  
5 section of roof will be two feet lower than the ridge of the  
6 historic massing. And, the addition's roof ridge will be at  
7 the same height as the historic block.

8           The proposal shows two over two wood double-hung  
9 windows with wood trim, fiber cement siding and then an  
10 asphalt shingle roof. The new foundation piers will be  
11 parged and painted CMU and there will be wood lattice  
12 enclosing the open area below the screened porch. The  
13 existing deck at the back of the house will be reduced in  
14 size to accommodate the screened porch and the remaining  
15 section of the deck will have new wood decking, railing,  
16 balusters and stairs. And, the applicants are also  
17 proposing to replace the roof over the existing left side  
18 entry which was damaged by snow this winter.

19           At the preliminary consultation the Commission was  
20 generally supportive of the rear addition and the Commission  
21 expressed some concern about a few things. One was about  
22 the proposed dormer and the fenestration, and recommended  
23 that the applicants change the windows to be more  
24 compatible, more consistent with the historic house. And,  
25 there was also some discussion about the screened porch and

1 the details of the piers and the lattice below the porch  
2 addition. So, the applicants did make changes in response  
3 to the concerns. The new windows, as I mentioned, are all  
4 two over two double-hung wood windows. The size and  
5 proportion of the shed dormer on that left side is more  
6 compatible with the house and the addition does show masonry  
7 piers and wood lattice as I mentioned before.

8           And, overall, the Commission was supportive of the  
9 rear addition of the massing and the scale and the  
10 materials, and the hyphen roof connection as a clear  
11 differentiation. And, with the changes that the applicant  
12 has made, staff is recommending approval of the historic  
13 area work permit application.

14           MR. JESTER: Thank you, Anne. Are there any  
15 questions for staff? I guess if not, we'll invite the  
16 applicant to come forward and if they want to make a brief  
17 presentation, you're welcome to address the comments in the  
18 staff report and perhaps maybe just speak to some of the  
19 changes that have been made since the preliminary.

20           MR. VITULLO: My name is Rick Vitullo. I'm the  
21 architect for the project. I mean, I can present what we  
22 did to change the design from the first iteration. I think  
23 most of the concern was the left side shed dormer. And,  
24 what I did was I widened the dormer and reduced the size of  
25 the windows, made them double-hung instead of casement, and

1 made them two over two to make them more compatible with the  
2 rest of the house.

3           Three of the original windows of the house, well  
4 the windows in the original openings of the house that are  
5 existent are two over two. And, the ones in the front are  
6 nine over nine, which we didn't choose to replicate. And,  
7 on the right side we also changed them from casements to two  
8 double-hungs as well. Are there any questions?

9           MS. MAHER: I wanted to ask a question with regard  
10 to, because it's a little vague in the proposal that we have  
11 what are -- because it says there may have been original  
12 parts to the house or that may not be original, and there  
13 had been additions. And, I wanted to find out if you could  
14 clarify that and what the overall --

15           MR. VITULLO: Which are original and which are  
16 not?

17           MS. MAHER: Yeah, and how that compares with the  
18 original, what can be verified as the original massing.

19           MR. VITULLO: I can't totally verify which is  
20 totally original. But, I know which are not original and  
21 that's the two -- there's two main additions in the rear.  
22 One of which now is the kitchen and the other is the little  
23 breakfast room. Those may have been original but they were  
24 enclosed over the years. And, then a second floor was added  
25 on top of them. They may have been original in terms of the

1 footprint, but as a porch, as an open porch. But, the  
2 original house is L-shaped structure, two crossing gables at  
3 the front. So, the addition is continuing the main gable  
4 perpendicular to the street. That's sort of continuing to  
5 the back of the house. So, did that answer your question?

6 MS. MAHER: It did. I think that -- I was not  
7 here at the preliminary, so I wasn't in on that. But, I  
8 think that the changes that you've made in response to the  
9 issues that were raised by the commission at that time is  
10 really a very nice improvement. I'm concerned with regard  
11 to the overall massing. I do not find it to be compatible  
12 with the Takoma Park guidelines, the interior guidelines and  
13 the design guidelines for Montgomery County. I do feel it  
14 overwhelms the original massing. It's a contributing  
15 resource in a visible spot for both vehicular and pedestrian  
16 traffic. And, we're supposed to be considering this  
17 irregardless of the vegetation. And, there is a lot of  
18 overgrowth, so it isn't at this moment, what you're  
19 proposing, visible. However, in the future it could, and at  
20 least from the driveway side would be quite visible.

21 MR. VITULLO: I'm very aware that it's not visible  
22 now and that that's irrelevant. I mean, my only reaction is  
23 that it's compatible as it possibly could be in trying to  
24 give the owners the additional space that they want. And,  
25 it's brought in from the sides of the original house.

1 There's also a right side enclosed porch which also helps  
2 screen it. But, I don't have any other reaction to that.

3 MR. JESTER: Are there any other questions for the  
4 applicant before we move to deliberations?

5 MS. MILES: I have a comment.

6 MR. JESTER: Okay, go ahead.

7 MS. MILES: I just want to know, I was the one who  
8 raised the objections in issues about the massing at the  
9 preliminary and I actually feel that your adjustments to the  
10 dormer and the fenestration and the piers have all  
11 dramatically improved the project and I'm supportive of it  
12 in its present state.

13 MR. JESTER: Any other comments from the  
14 commissioners?

15 MS. HEILER: I also was one of the people who  
16 brought up the shed dormer and the very large window. And,  
17 I think you've done, you've been very successful in the  
18 change to that to make it more compatible and to reduce the  
19 impact that it has on the massing.

20 MR. VITULLO: Thank you.

21 MS. MAHER: I would like to just quote the Takoma  
22 Park Historic District guidelines. The design review  
23 emphasis will be restricted to changes that are at all  
24 visible from the public right-of-way irrespective of  
25 landscaping or vegetation. I'd also like to quote from the

1 Secretary of the Interior standards for rehabilitation that  
2 the new work shall be differentiated from the old, which it  
3 is, and will be compatible with the historic materials,  
4 features, size, scale and proportion and massing to protect  
5 the integrity of the property and the environment. There  
6 are also the design guidelines for historic sites and  
7 districts in Montgomery County that again emphasize keeping  
8 the size of the addition small in relation to the main  
9 structure also will help minimize its visual impacts.

10 MS. MILES: May I make a motion, Mr. Chairman?

11 MR. JESTER: Sure.

12 MS. MILES: I move that we approve the historic  
13 area work permit for 7019 Eastern Avenue, Takoma Park in  
14 conformance with the staff report.

15 MS. WHITNEY: I second the motion.

16 MR. JESTER: Any further discussion? All in  
17 favor? And, opposed? So, we have seven in favor and one  
18 opposed. The motion carries and the HAWP is approved.  
19 Thank you.

20 MR. VITULLO: Thank you.

21 MR. JESTER: The next case we're going to hear is  
22 Case K at 3914 Baltimore Street in Kensington. Is there a  
23 staff report?

24 MR. WHIPPLE: Yes, Mr. Chairman. Before I begin I  
25 just want to note that this has been a terribly difficult

1 application that comes out of an awful event and I want to  
2 express my condolences to the applicants.

3           The property at 3914 Baltimore Street in  
4 Kensington in the Kensington Historic District is identified  
5 as a primary one outstanding resource. The property  
6 consists of three recorded buildable -- consists of three  
7 buildable lots with the improvements located on the middle  
8 lot. The dwelling suffered a fire in May 2007. The fire  
9 damaged portions of the interior, exterior and roof as  
10 further described in the application and staff report. The  
11 Department of Housing and Community Affairs has condemned  
12 the property as unsafe or unfit for habitation.

13           The applicants are proposing to demolish the  
14 structure. The applicants have made one revision to their  
15 application. After consultations with neighbors and  
16 representatives of the town of Kensington the applicants  
17 have offered to re-subdivide the property into two buildable  
18 lots allowing for construction of no more than two single  
19 family homes if the HPC allows the demolition of the  
20 resource.

21           In the consideration of the demolition request,  
22 staff encourages the HPC to carefully evaluate the  
23 significance of the resource to the historic district,  
24 assess the condition of the resource and questions related  
25 to its integrity, and weigh the evidence provided in the

1 supporting documentation and evidence entered into the  
2 record. Staff reminds commissioners that the application  
3 before the commission is for the demolition of the resource.

4 Arguments or evidence related to matters other than the  
5 demolition are likely outside of the scope of the question  
6 before the commission this evening.

7           The staff report prepared for the July 14, 2010  
8 meeting outlined staff findings as to this application's  
9 consistency with the HPC's review criteria. Staff has  
10 recommended denial of the application unless the commission  
11 finds that consistent with Section 24A-8(b)(4) the  
12 demolition is necessary to remedy unsafe or unhealthful  
13 conditions. Staff has seen firsthand the extensive damage  
14 caused by the fire and subsequent water infiltration. In  
15 support of the applicant's claim, staff directs HPC's  
16 attention to the structural engineer's report included in  
17 the application.

18           In the staff report prepared for tonight's  
19 meeting, staff has made an additional recommendation to  
20 reflect the applicant's revised proposal. Should the HPC  
21 find that the demolition request is consistent with the  
22 HPC's review criteria, staff would recommend approval of the  
23 demolition and recommend consideration of the proffer on  
24 re-subdivision of the property as outlined in circle two of  
25 tonight's staff report.

1 I'd like to make one point for the record. As  
2 described in circle four of the July 14 memo that outlines a  
3 chronology and describes a visit that HPC staff along with  
4 Commissioner Craig Swift made to the site, I want to point  
5 out for the record that we established some ground rules for  
6 that visit which the applicants agreed to and honored, which  
7 was, in essence, to set up basically a firewall between the  
8 applicants and Commissioner Swift and to separate them from  
9 any ex-parti communication as an opportunity for  
10 Commissioner Swift, who is a licensed structural engineer,  
11 to visit the site. And, the application was not discussed.

12 There was no communication between the applicants and  
13 Commissioner Swift, but it was an opportunity for  
14 Commissioner Swift to see the property and make an  
15 evaluation.

16 Staff has provided the commission with copies of  
17 correspondence including a letter from the LAP that has been  
18 received since staff reports were mailed. And, now I'd like  
19 to show you a few images of the property. Many of the  
20 images were provided by the applicants, so, my thanks to  
21 them. And, then I'll answer any questions.

22 So, on the right you see the basic location of the  
23 site within the historic district, an aerial showing the  
24 property. And, here you'll see that it's made up of three  
25 lots. This property is made up of three lots. There's a

1 basic site plan, streetscape into the property and here you  
2 can see some of the damage. That's all I have.

3 MR. JESTER: Thank you, Scott. Are there any  
4 questions for staff?

5 MR. KIRWAN: I have a question. Just to clarify.  
6 Scott, does the staff's view on this application is it  
7 still for denial purely on the demolition issue? Yet, the  
8 amendment for tonight's meeting is purely based on the  
9 subdivision?

10 MR. WHIPPLE: The amendment for tonight's meeting  
11 that I wrote would only be considered if the HPC found the  
12 application to demolish to be consistent with the review  
13 criteria. In the initial memo that I wrote I recommended  
14 denial unless the HPC found that the application was  
15 consistent with 24A-8(b)(4).

16 MR. JESTER: Okay, if there are no other questions  
17 we can hear from the applicant.

18 MR. HUTT: For the record, my name is Marty Hutt  
19 with the firm of Lerch, Early and Brewer in Bethesda  
20 representing the applicant. To my left is Hans Stamberg who  
21 is a professional engineer, structural engineer, whose  
22 report is part of the application. To my right is Mike  
23 Runey who is the builder who assisted us with putting  
24 together cost estimates for restoration of the building to  
25 its pre-fire condition.

1           First and foremost, there are two parts to this  
2 request and, hopefully, both will be considered tonight.  
3 One is that we believe that the request for demolition is  
4 consistent with the requirements of Section 24A-8(a) and (b)  
5 as well as the financial hardship aspect here which is in  
6 24A-8(5) and that will also be part of our presentation.  
7 I'm hopeful that you all have had a chance to read Hans'  
8 report. Some of the pictures show a part of the extensive  
9 damage to the interior of the house and the exterior of the  
10 house. An important part of Hans' report is that while we  
11 appreciate that the commission is not generally concerned  
12 with interior renovations and changes to the interior, and  
13 Hans will speak because we want to give you a full estimate  
14 here.

15           But, this house was constructed obviously well  
16 before current structural codes were adopted. Because of  
17 the extensive damage to the structural integrity of this  
18 house those codes for restoration purposes will come into  
19 play. And, with those codes coming into play not only it's  
20 Hans' opinion and it's reflected in his report, not only the  
21 percentage of the structural damage that is visual in the  
22 photographs that you may have seen of the interior as well  
23 as the exterior, it is his professional opinion and also  
24 it's the professional opinion of Mike Runey who has done  
25 restoration work, that once you start going into the

1 interior which you have to go into the interior of this  
2 house to remove the structural parts and elements to  
3 replace, that there are portions of the house where the fire  
4 is not evident. But, when you remove those walls, which you  
5 must remove those walls, you will see far more extensive  
6 structural damage to this house than those photographs are  
7 currently showing.

8           One of your commissioners was there and did the  
9 walk through so he has seen the interior of that house.  
10 And, as a consequence of the current codes it will require  
11 as the report indicates removal of the entire exterior skin  
12 of the house that you see, parts that are completely damaged  
13 and parts that are not damaged. It will also require  
14 relocation of windows because of the need to meet code  
15 requirements, again, for structural support that Hans can  
16 speak to more eloquently than I technically speaking. And,  
17 that in the end result the house, if you were required to  
18 restore it, it will not -- you can restore this house but  
19 the restoration of this house will essentially be a new  
20 house because of code requirements that will cause those  
21 changes to be done. That it will be a new house wrapped  
22 around the very little elements that might possibly be  
23 preserved in restoration.

24           The other aspect of this is that this house is a  
25 dangerous structure. And, it will be dangerous for workers

1 for the restoration of this house. And, as Mr. Runey will  
2 testify that will require extensive pre-renovation work to  
3 provide support and strength so that those workers when you  
4 start removing the skeleton of this house they're not put in  
5 danger.

6           The other element of it, and again what we're  
7 really trying to say is that, with all due respect to Scott,  
8 the requirement to restore the house to a point that it's  
9 completely a new house essentially is just as inconsistent  
10 with the requirements of Chapter 24A and the Secretary of  
11 Interior's guidelines which we believe aren't applicable  
12 because it's more, I believe more attributable to a normal  
13 exterior renovation kind of work. Not to a structure with  
14 this kind of extensive and expansive damage both to the  
15 exterior and the interior structure of what you can preserve  
16 and can't preserve.

17           And, that in addition, finally, it's a financial  
18 hardship. The cost to restore as estimated by Mr. Runey is  
19 somewhere over \$900,000. The estate doesn't have that  
20 money. Secondly, they would exhaust what they do have.  
21 They would have to borrow more money to complete the work  
22 and when it's done, right now their tax is based upon the  
23 land only at about \$850,000. It's \$10,000 a year taxes.  
24 Add another \$800,000 or \$900,000 worth of improvements,  
25 you've got a \$1.8, \$1.9 million asset there with taxes

1 doubling, at least \$20,000. They won't have the money to  
2 pay for it. That property will go to tax sale if they had  
3 to restore it.

4 All they're requesting is permission to demolish  
5 the house. Whatever comes back will come back to this  
6 commission. You will have the right to decide how it's to  
7 be designed, what is its scale, what is its mass, what is  
8 its architectural appearance to keep everything in line with  
9 what is under the guidelines.

10 And, with regard to the proposal of two lots  
11 rather than three, again, this applicant is not a developer.

12 It's not a builder. It's an estate. That was proposed by  
13 the town of Kensington as a way to come up with a compromise  
14 that would work for those residents who were concerned that  
15 if the house were demolished and you have three buildable  
16 lots you'd end up with three houses there. It was not  
17 proposed by the applicant. So, please, let's keep that in  
18 mind. This applicant only has one interest. Please allow  
19 them to demolish the house, market it as it is and if you  
20 wish and they've agreed to as two buildable lots.

21 The property has been on the market in its current  
22 condition for over a year. The only oral offers they've  
23 gotten are in the several hundred thousand dollar range,  
24 which is not even what the land is worth. So, we wish you  
25 to consider those points. Both our structural engineer and

1 our builder are here to answer any question that you may  
2 have to further elaborate on the extensive structural damage  
3 and what needs to be done if restoration were required.

4 Thank you.

5 MR. JESTER: Thank you. Are there questions for  
6 the applicant's representatives?

7 MS. WHITNEY: I did actually only have one  
8 question, please. And, I do understand the sensitivity of  
9 this entire case, even as an architect my heart goes out to  
10 you dealing with the family. Why are we just now hearing  
11 this after all these years? I'm just curious what has  
12 transpired in the last is it three and a half years now  
13 since the house was not livable?

14 MR. HUTT: It takes a period of time to probate an  
15 estate. It takes a period of time to submit insurance  
16 claims to an insurance company that must come out and do its  
17 evaluation. That takes time. This application was filed as  
18 soon as it could be. There were then because we were  
19 working with staff it was originally filed in 2009 -- 2009  
20 it was originally filed. Staff legitimately suggested and  
21 recommended, rather than being asked the question have you  
22 tried to market the property in July, why didn't you --  
23 we'll postpone the hearing for a while, give you a  
24 reasonable opportunity to try to market the property and see  
25 if it can be sold. Because that's all the estate was

1 interested in doing. It couldn't be sold.

2           So, therefore, we started, you know we gave it six  
3 months, eight months and then we started again in 2010 to  
4 come up with the, you know, refile the application. We  
5 invited both Mr. Whipple and one of your commissioners to a  
6 site visit in May. Then in July we were scheduled for a  
7 hearing last July. At that point in time we appeared before  
8 the town council of Kensington and they weren't in a  
9 position to come up with a recommendation. They asked us to  
10 postpone the July hearing to give them an opportunity to  
11 hold their own, another town council meeting, an opportunity  
12 for council members to talk to interested party residents  
13 and that finally concluded in August, in September.

14           So, that's why it took us the time it took us.  
15 So, there was a period of time trying to get through --  
16 because if you can't probate the estate and get that  
17 through, there isn't any money to work with anything. So,  
18 until there was some money available, there was no sense in  
19 moving forward.

20           MS. WHITNEY: So, it was the first two years  
21 settling the estate before you could move forward before you  
22 contacted us?

23           MR. HUTT: Yes, ma'am.

24           MR. RUNEY: The application was filed a year and a  
25 half ago.

1 MS. WHITNEY: Okay, so say it was two years of  
2 probate before it came to us. All right. Thank you.

3 MS. MAHER: May I ask something in follow-up to  
4 that. And, my condolences to the applicants. I'm very  
5 sorry. With the insurance was there any, what kind of  
6 reports came out of the insurance assessments at the time of  
7 fire? We have the structural evaluation that's considerably  
8 after. My question is, is there any baseline for when the  
9 incident occurred?

10 MR. HUTT: The insurance company treated it as a  
11 complete loss. And, in addition to which is part of this  
12 process as well, is that the county did, in fact, condemn  
13 the house. Not condemned to acquire property, but condemned  
14 it as a habitable structure.

15 MS. MAHER: Thank you.

16 MR. JESTER: Just a follow-up on the insurance  
17 question. If it was declared a total loss that means there  
18 was a payout, I assume, to the estate as opposed to the  
19 applicants for some amount based on whatever insurance  
20 coverage they had, whether it was total replacement value or  
21 some other arrangement?

22 MR. HUTT: That is correct. That's the part of  
23 the resource that's currently available that was set forth  
24 in the application and explained. But, it's not sufficient  
25 to cover the projected cost of restoring the house to its

1 pre-condition under current codes that Mr. Runey has put  
2 together at well over 900 and some thousand dollars.

3 MS. MILES: But, you still have a mortgageable  
4 asset there in the land, correct?

5 MR. HUTT: It's a mortgageable asset but -- who  
6 pays back the mortgage? It's not interest free. The  
7 mortgage -- yes, ma'am, the mortgage --

8 MS. MILES: You answered my question. Thank you.

9 MR. HUTT: The mortgage has to be repaid.

10 MS. MILES: Of course. You answered my question.

11 MR. JESTER: I also wanted to ask a question about  
12 the temporary protection that was installed following the  
13 fire. I think if I read correctly in the report it was over  
14 a year and a half or so before the property had a tarp  
15 installed to kind of prevent further deterioration. Can you  
16 explain why?

17 MR. RUNEY: I have an opinion.

18 MR. JESTER: Could you say it again for the  
19 record?

20 MR. RUNEY: There's hardly anything to be  
21 protected. You could have kept the protection up  
22 meticulously and it probably wouldn't have made a two or  
23 three or four or five percent difference, if that, in the  
24 damage to the building.

25 MR. JESTER: I simply asked why it took over a

1 year and a half to install some temporary protection after  
2 the fire. I'm not interested in your opinion as to why, in  
3 fact, it took that long to --

4 MR. RUNEY: It didn't make any difference.

5 MR. HUTT: Well, in addition to which, obviously,  
6 a couple things. First of all, the period of overcoming the  
7 loss and having to go back there. The other aspect, with  
8 all due respect, in terms of the expertise or non-expertise  
9 of the personal representatives of not knowing that the tarp  
10 needed to be placed on it. But the important part, and  
11 again I understand that the issue is the timeframe, but the  
12 important part, and Hans can probably speak to this far  
13 better than I, is that the extent of damage to this house,  
14 the structural damage to this house was caused by the fire  
15 and whatever water damage to that structural damage with the  
16 consequence of the amount of water and effort that it took  
17 by fire rescue services to put that fire out. And, that any  
18 subsequent water into the house has not deteriorated that  
19 house to a worse condition than it was as a consequence of  
20 the fire. That the structural damage that is in his report  
21 is a consequence of the fire and the water used to put the  
22 fire out. And, I'll let Hans elaborate more on that.

23 MR. STAMBERG: What needs to be done to repair  
24 this house there's a code that governs existing buildings  
25 and what that code says, if there's extensive damage to a

1 building, which I think amounts to, I think it's 20 or 30  
2 percent of the building is a total loss, you need -- when  
3 you reconstruct the building it needs to comply with the  
4 current codes. So, what that involves is whatever floor  
5 loading is on the structure needs to meet current codes;  
6 lateral loading needs to meet current codes which is wind  
7 loading and earthquake loading. And, what needs to be done  
8 to determine that is a professional engineer needs to go in  
9 and evaluate the condition of all the structural members in  
10 the house.

11           So, all the interior finishes would need to be  
12 stripped, completely gutted. For one reason, to be able to  
13 measure the capacity of the members of the house and to see  
14 the extent of the fire damage. Then the other thing, you  
15 know, when these houses were built nobody really thought  
16 much about wind loadings and lateral bracing of the house.  
17 And, in the current codes there're requirements where you  
18 have to have a certain amount of bracing on the house. And,  
19 the way this is done is through, you know, you see a new  
20 house being built you see particle board or plywood wrapping  
21 the whole house which is a pretty typical way. And, there's  
22 a list of, it's in my report, there's a list of eight  
23 possible ways that you can get this lateral bracing with the  
24 house. And, most of those ways will require removing the  
25 exterior finishes to get your sheeting on.

1           So, essentially, you've completely gutted the  
2 interior finishes of the house. You've removed the majority  
3 of the exterior finishes of the house. You've repaired  
4 whatever members that are still good that don't meet current  
5 codes, you know, brought them up to code standards, replace  
6 your fire damage. You're essentially building a brand new  
7 house around a few wall studs and floor joists that remain.

8           MR. HUTT: But, also more responsive to the  
9 chairman's question which is, in your professional opinion  
10 was the delay in putting the tarp up, it's sort of like it's  
11 a self-created hardship that we're now talking about the  
12 tarp wasn't put up. Did the delay in putting that tarp up  
13 really enhance the degree of structural damage that you saw  
14 and reviewed, in your opinion?

15           MR. STAMBERG: No. I mean, the tarp not being  
16 there would be, you know, would show up with a lot of rotten  
17 wood or things of that nature or, you know, damaged  
18 finishes. I mean, the amount of water that had to sprayed  
19 on this building to put that fire out I would believe almost  
20 completely soaked the interior of the house. And, wood is  
21 not going to rot in a few years being exposed to weather.  
22 And, I didn't really see any evidence of any rotten wood.  
23 So, no, I don't think it's made a difference to the  
24 condition of the structure.

25           MR. JESTER: I think everyone understands that the

1 interior would not be -- we're not as concerned with the  
2 interior. I mean, it's very unfortunate that a historic  
3 house with these nice finishes and details would be lost if  
4 the house were to be renovated or restored, even if it's  
5 just the exterior. But, I guess, since our focus really is  
6 on the resource and how it fits into the historic district,  
7 I just want to follow on your comments about how much would  
8 be required to be modified to renovate and restore the  
9 exterior of the property. Can you just give me a ballpark  
10 estimate of what percentage of the existing exterior walls,  
11 roof, framing and so on you believe could be salvaged to  
12 bring it up to current code?

13 MR. STAMBERG: Well, the roof is, I would say,  
14 completely lost. There's not really much left of the roof  
15 that's not damaged. The corner of the house that saw the  
16 most heat from the fire, that's all charred. There's  
17 probably 40 or 50 percent below the roof that's got charring  
18 and damage from the fire. The foundations are probably  
19 usable, you know, may require some repairs. And, a lot of  
20 times when you get into these old houses and you start  
21 removing finishes you find, you know, one fire can creep  
22 through walls. It could have burned the structure inside  
23 the finishes and you just don't see it until you remove the  
24 finishes. We've done a bunch of these older houses where  
25 you need to start bringing them up to current codes, and

1 just the way they did things a lot of times back in the day  
2 just don't meet current codes. So, there may even be  
3 structural members that are in good condition that would  
4 need to be replaced or reinforced in order to meet the  
5 current codes.

6 MR. JESTER: I think you've hit on an important  
7 point which is that it may be possible to retain some of the  
8 members that are not fire damaged or deteriorated beyond  
9 repair.

10 MR. STAMBERG: Any of those finishes that you  
11 could save would all be covered by new modern finishes. You  
12 know, they would just be wall studs, things you don't even  
13 see.

14 MR. JESTER: And again, I'm really focusing, my  
15 line of questioning on the exterior framing. I assume it's  
16 either plywood or particle board.

17 MR. STAMBERG: Are you talking about the siding  
18 or studs?

19 MR. JESTER: I think more the exterior structural  
20 wall. I mean, I assume it's either platform or boom framed.  
21 So, it's a question of how much would be required -- could  
22 be salvaged and either reinforced or would need to be  
23 replaced to basically create the same appearance visually.  
24 I'm not as concerned with the interior because that's not  
25 our concern.

1           MR. STAMBERG: Maybe, you know, until you really  
2 gut everything and see. I mean, 40 to 50 percent of it  
3 appears charred.

4           MR. JESTER: So, your assessment is the basis for  
5 the cost estimate to bring it up to current code and restore  
6 it. The number that's in our application for 900 and some  
7 thousand reflects your assessment?

8           MR. RUNEY: It's pretty close. I used 40 percent,  
9 I think, that might be saved by visual looking at it.

10          MR. SWIFT: Mr. Stamberg, with regards, sorry.  
11 We've speculated a decent amount about what the remaining  
12 interior finishes may be covering up and you're correct that  
13 fire can travel in spaces that we don't see it. And,  
14 especially in a wood building there's plenty of corridors.  
15 Have you done any exploratory probes through the drywall to  
16 try to track some of those down at some of the apparently  
17 undamaged areas of the building?

18          MR. STAMBERG: No, we haven't done, you know, any  
19 of that. But, there's, you know, there's enough that you  
20 can see that's pretty severely damaged that we didn't feel  
21 that was necessary.

22          MR. SWIFT: But, at the undamaged portion, I mean,  
23 the areas where a finish is undamaged there's --

24          MR. STAMBERG: No, no, we didn't do any. But, you  
25 know, there is so much damage that I didn't think it was

1 worthwhile to try and probe around to see of what was left  
2 that wasn't damaged.

3 MR. JESTER: Has any temporary shoring been  
4 installed to permit people to go through, professionals like  
5 yourself to assess the property on the interior?

6 MR. RUNEY: No. That didn't stop me from going  
7 through it though. We went through it.

8 MR. JESTER: And, I realize that, I mean, it's  
9 been condemned but being condemned doesn't mean it has to be  
10 demolished. It just means that it's currently unsafe. If  
11 you were able to go through it sounds like there's enough  
12 integrity in the interior to be able to go through the  
13 property and do the kinds of probes that Commissioner Swift  
14 just made reference to.

15 MR. RUNEY: Well, if you walk around the part  
16 going upstairs, otherwise you'll fall through the floor to  
17 the basement. If you know enough to step on a certain area  
18 you can get up the steps but you have to stay to one side,  
19 if you go to that side -- Craig, did you go over? You went  
20 out on that thing didn't you?

21 MR. SWIFT: Yeah, just any vertical circulation is  
22 pretty dicey right now.

23 MR. RUNEY: Yeah, it's severe -- if you did look  
24 at those pictures inside you can see some of the damage  
25 that's going to tell you that the exterior siding is going

1 to need to be taken off of those rooms that are burnt. Even  
2 though it looks good on the outside, the sheathing would  
3 probably have to come off.

4 MR. SWIFT: I would probably disagree with that,  
5 but I might --

6 MR. RUNEY: I wouldn't disagree with you either on  
7 that, right. You just don't know until you get into it.

8 MR. SWIFT: I'd like to, a couple more questions  
9 for Mr. Stamberg. The second paragraph on the second page  
10 of the report states that if the evaluation does not  
11 establish compliance the entire structure shall be  
12 rehabilitated to comply with the provisions of the current  
13 code.

14 MR. STAMBERG: Where is that at?

15 MR. SWIFT: When I read that section of the code,  
16 this is 506.2.3 which is further on in the report. It  
17 mentions vertical load carrying components that have  
18 sustained substantial structural damage shall be  
19 rehabilitated. In my opinion, I can't agree with that  
20 statement that the entire structure shall be rehabilitated  
21 to comply with the provisions of the current code. I'm just  
22 reading this is again out of 506.2.3 which is a couple pages  
23 later in the report. Was there any consideration given to  
24 that part of the 2006 International --

25 MR. STAMBERG: 506.2.3?

1 MR. SWIFT: Yes, sir.

2 MR. STAMBERG: Give me a chance to read it.

3 MR. SWIFT: To follow up on that, it's been my  
4 experience, and I've dealt with existing buildings in  
5 different states of disrepair and fire damage, but typically  
6 what's done is following something along the lines that is  
7 where anything that's heavily damaged is replaced or  
8 strengthened; anytime where a load path in the building is  
9 changed because of what needs to be done, then those members  
10 are checked for current code.

11 MR. STAMBERG: Missing a majority of the board  
12 siding on two sides of the house, to me, says you need to  
13 make that side of the house comply with the current code  
14 because that element is substantially damaged.

15 MR. SWIFT: I agree. Where there's substantial  
16 damage, I agree. But, I want to make sure that we don't  
17 decide that the entire structure needs to be brought up to  
18 current code, especially in a vertical load carrying sense,  
19 and I'll get to lateral loads in a second. But, I just want  
20 to make sure that we follow the appropriate section there.  
21 Maybe it might be more helpful moving on to the lateral  
22 issue. I think we need to go to the fourth paragraph on the  
23 second page of your report. And, it notes this, the  
24 evaluation does not establish compliance -- I'm sorry. We  
25 go to the fourth paragraph in the second page.

1           It states that the existing exterior wall lateral  
2 load capacity is less than required by current codes and the  
3 walls will need to be braced in the manner that complies  
4 with the current codes, which I agree with. But, then I  
5 think when the report gets into referencing sections of the  
6 International Residential Code as far as the guidelines for  
7 providing lateral resistance, I think it's important to keep  
8 in mind that those are prescriptive, simple and conservative  
9 methods to provide lateral resistance that are typically  
10 used in new, modern residential construction. First of all,  
11 there are exceptions in the International Residential Code  
12 that didn't appear to have been considered, other options  
13 for providing lateral bracing. So, I wanted to make sure  
14 that those had been --

15           MR. STAMBERG: Yeah, and I don't disagree with  
16 that. But, the point I'm trying to get across there is that  
17 there's, you know, that was one area to point to showing  
18 that there are code requirements for lateral bracing and  
19 substantial work would need to be done in the damaged areas  
20 to restore that. And, you know, there are -- prescriptive  
21 bracing is conservative and kind of cookbook from the code.  
22 But, it's a lot of times a very economical way to do it,  
23 which is the way we're approaching looking at this.

24           MR. SWIFT: Especially in working with a historic  
25 resource it's a very difficult thing to make those work,

1 which I think the report points to. There's really no way  
2 to make those provisions.

3 MR. STAMBERG: Yeah, because I mean to do it with,  
4 even if you were to try to come up with some engineered  
5 solutions there are some of the windows that depending on --  
6 it's hard to say without 100 percent assessing the building.  
7 But, there's some of the windows that just may be spaced too  
8 tightly, in order to get some type of wood frame sheath type  
9 lateral support system. They may need to be rearranged.

10 MR. SWIFT: Was there any consideration given to  
11 that in your scope of work?

12 MR. STAMBERG: As far as doing --

13 MR. SWIFT: As far as, for example, a perforated  
14 shear wall design with plywood on all of the wall that's  
15 available.

16 MR. STAMBERG: Well, I mean, we didn't get into  
17 full scale analysis of the building. We were thinking more,  
18 due to the resources available, we were looking at the more  
19 economical methods for lateral bracing.

20 MR. SWIFT: But, the report states that to rebuild  
21 this house or to retrofit it on its current site that most  
22 of the window or many of the windows couldn't remain in  
23 their current locations. But, there really wasn't specific  
24 consideration given to whether an engineering design you  
25 could make that happen.

1           MR. JESTER: Your referring fact states that this  
2 is a list of items that are required to repair the home.  
3 So, that suggests that the windows would need to be modified  
4 as you describe and not --

5           MR. STAMBERG: For the way that we'd look at doing  
6 it the most economical way to repair the house. That's the  
7 way we're looking at it.

8           MR. SWIFT: I don't know necessarily, especially  
9 where there's maybe half of the exterior wall that doesn't  
10 appear to have significant damage that it would be most  
11 economical to tear down stud walls that have stood for 100  
12 years. I don't know that that would necessarily be the  
13 most --

14          MR. STAMBERG: Well, but on the two sides where  
15 it's completely charred that wall on that side is a lateral  
16 element supporting the home.

17          MR. SWIFT: Sure, and I'm talking about the other  
18 two sides. Just to make sure that everyone here is  
19 considering a fair report.

20          MR. STAMBERG: I guess what that gets into is  
21 more, you know, is a little bit of an opinion. And, if  
22 you're going to go and rehab this home why wouldn't you --  
23 you know, if you're bringing 60 percent or so back to  
24 current code why wouldn't you go and do the whole house that  
25 way?

1           MR. SWIFT: Well, I think it's important to keep  
2 in mind that the home in its current condition to say that  
3 existing construction doesn't meet current codes does not  
4 mean that existing historical construction often fails  
5 structurally. In fact, they're typically pretty robust with  
6 often better construction quality and materials that you  
7 don't see.

8           MR. STAMBERG: That's not the experience I've had  
9 looking at -- with (indiscernible) some different types of  
10 older homes.

11          MR. SWIFT: Perhaps, but, you know, these houses  
12 have stood up to a hundred years of wind storms. We design  
13 for more of a 50 year --

14          MR. STAMBERG: Yeah, but there's still many areas  
15 -- we could argue about the two walls that are undamaged.  
16 But, there are still many areas of this home that are  
17 severely damaged that when repaired would need to meet  
18 current codes.

19          MR. RUNEY: Could I make a point getting back to  
20 what you said. Scott, do you have picture E up? Can you  
21 bring E up? It's one of the first three or four pictures  
22 that I did. It's this picture that shows the good side of  
23 the house. It's in that book. And, if what needs to be,  
24 like you said and I said that, you know, you have to take  
25 some of this apart and you said well, not really. Well, if

1 you look at that picture the rear dormer totally has to come  
2 off that you can see by the burnt pictures inset. I don't  
3 think there's any question about that.

4 MR. SWIFT: That's a picture of that rear dormer  
5 on the inside?

6 MR. RUNEY: Yeah, I do. It's picture 56, 57 on  
7 the lower end. I don't know if anybody has that up there,  
8 which is not the one I was going to, but let's go to that  
9 one. Do you have that in front of you? 56 is on page 15 of  
10 the book and it's the pantry, that's the pantry area and a  
11 half bath.

12 MR. SWIFT: But, that's not on the side that you  
13 were pointing to.

14 MR. RUNEY: That's this area here. That pantry is  
15 this addition to the house. Like I said, that has to come  
16 totally off. But, that's not my point.

17 MR. SWIFT: Yeah, I don't know that we can argue  
18 too many of these specifics tonight.

19 MR. RUNEY: Yeah. Well, the point is up here, you  
20 see this nice looking piece exterior up there?

21 MR. SWIFT: Yeah.

22 MR. RUNEY: Now, I'd say that can't stay.

23 MR. SWIFT: Why is that?

24 MR. RUNEY: Well, go to page 21 on picture 78 and  
25 it's the lower right-hand corner. I can guarantee you there

1 isn't an inspector in the U.S. that isn't going to tell you  
2 all of that interior studs and siding has got to go, fire  
3 damaged. So, we will be taking down all of the porch up  
4 here above. This will have to come down, this nice looking  
5 here and this nice looking here really is this inside. I'm  
6 sorry, it's this one inside.

7 MR. HUTT: Do the commissioners have these  
8 photographs in front of them?

9 MS. MAHER: We do, but I can't see what page he's  
10 on.

11 MR. HUTT: Mike, if you would at least point, go  
12 up there and show the commissioner.

13 MS. MAHER: Just refer to the page number.

14 MR. RUNEY: Page 4 and it's picture E which shows  
15 a really nice looking upstairs that looks like it could be  
16 saved above the porch you would think from looking at it.  
17 And, then you go to page 21, that's the inside of that room.

18 I said that incorrectly. I lost it here. Well, it's the  
19 same looking, it's burnt.

20 MR. WHIPPLE: I believe that you had referred to  
21 picture 78.

22 MR. RUNEY: I'm sorry, it's picture 91, 91 and 92  
23 and 94. That's the inside of that area. The left-hand side  
24 of those pictures of especially 91 is that nice looking  
25 exterior you're looking at. And, that's what I'm saying,

1 Craig, that I think any inspector, if I were doing, he's  
2 going to walk up and say hey, you've got to take that down.  
3 And, with that comes the exterior wall. And, what looks a  
4 large part that could be saved is gone, and the same thing  
5 applies to the boom framing in the basement. I went in the  
6 basement and went all the way up that burned part that you  
7 see up there in the picture. That got burnt by coming down  
8 the stairwell across the front of the house in the basement  
9 and ballooned and shot right up there. That whole front  
10 wall is basically not salvageable.

11           Because I can guarantee you from doing this stuff  
12 like you said, when we start taking everything off you're  
13 going to find a lot more damage in there. Where that  
14 plywood is on there, those studs are burnt right out. You  
15 can't see through, but I did look. I did a little  
16 inspection behind there. They're gone. There's no studs,  
17 no wall, no nothing behind there. So, it's not going to be  
18 just where that piece of plywood is, it's going to be most,  
19 if not all, that front wall. So, a lot more of that house  
20 will go than I say than what you see just by looking at it,  
21 let alone, of course the other sides.

22           MR. JESTER: What I'd like to do is, if there are  
23 any more questions to the applicants, take those now and  
24 then, if not, we'll move into deliberations and come back.  
25 We do have one speaker?

1                   MR. STAMBERG: Can I say one more thing to Mr.  
2 Swift? Now, that I've kind of read through this a little  
3 bit more while not on the hot seat trying to listen to  
4 everything. The section 506.22 in the report is, you know,  
5 it says substantial structural damage to vertical elements  
6 of the lateral force restraining system, which we agree we  
7 have. It's page 22 on the code sheet down at the bottom.  
8 It's talking about substantial structural damage to the  
9 vertical elements of the lateral force restraint system is  
10 what your damage is. It's what we have, correct.

11                   MR. SWIFT: We have both, lateral and vertical,  
12 I'll agree.

13                   MR. STAMBERG: And, then when it's talking about  
14 what needs to be done for the solution, it's saying a  
15 building that has sustained substantial structural damage to  
16 the vertical elements of its lateral force restraining  
17 system shall be evaluated and repaired in accordance with  
18 applicable provisions of 506.22.1 through 506.22.3. It's  
19 saying building, not elements of the building. And, then  
20 evaluation it's speaking of, you know, it says the building  
21 shall be evaluated by a registered professional and  
22 evaluation findings shall be submitted to the code official.  
23 The evaluation shall establish whether the pre-damaged  
24 building, if repaired to its pre-damaged state, would comply  
25 with the provisions of the International Building Code.

1 Wind forces for this evaluation shall be done, shall be  
2 those described in the International Building Code. And,  
3 then it goes to say that seismic forces can be reduced to  
4 reduced level.

5           So, if you look at the definition of substantial  
6 structural damage, which is one of the first code sheets,  
7 saying that anywhere from 20 to 30 percent of the building  
8 is damaged, you need to then go to 506.2 for your repairs  
9 which it speaks of the building, not of a particular  
10 element. If you have minor damage, you know, say a certain  
11 floor or one wall, then it's a much lighter, lesser  
12 requirement, you know, typically you can go back to the  
13 pre-damaged state.

14           MR. RUNEY: Can I make one last comment? Sir, we  
15 worked the estimate after Scott told me that they weren't  
16 concerned with bringing the inside back to what it was. I  
17 eliminated plaster. I eliminated any old wood moldings and  
18 I just went with straight drywall, Energy Star installation  
19 package which is minimum today, and the estimate just is  
20 bringing the house into normal, sort of run of the mill not  
21 upscale, inside and not trying to bring it back to the cost.  
22       Most of the cost is in the framing, the bringing it to  
23 safety, bringing it up to the point where you could even  
24 work on it, you know, with scaffolding and shoring like  
25 somebody said, et cetera.

1           And, one last thing, as a builder I wouldn't take  
2 this house for that price. It would only be time and  
3 material because you could get into this and it could be a  
4 lot more. You never know. It could be a couple bucks less,  
5 but it could be a lot more. So, I would never take this.  
6 Most of us wouldn't accept time and material.

7           MR. JESTER: Are there any other questions for the  
8 applicants? Thank you. We do have one speaker before we  
9 have deliberations. So, if I could ask Helen Wilkes to come  
10 forward, please. If you would please identify yourself for  
11 the record and you'll have three minutes.

12           MS. WILKES: Hello, I'm Helen Wilkes. I'm a  
13 neighbor of the property at 3914 Baltimore Street. I am  
14 president of the Kensington Land Trust and I am an architect  
15 who has worked on historic structures, mostly in Kensington.

16           I'm testifying, obviously, about this terrible  
17 predicament that we have here. While it was a terrible  
18 tragedy that brought us all here ultimately to see you  
19 tonight and that was a tragic loss. I feel awkward about  
20 fast forwarding here, but I do want to acknowledge that all  
21 the neighbors realize the great weight of this loss. And,  
22 in the interest of time I'm skipping part B of the story  
23 which is the trauma that the entire neighborhood has endured  
24 over the ensuing period of three and a half years with the  
25 constant reminder of that tragedy and the decline of the

1 structure from a salvageable state to one that is difficult  
2 now or impossible even to salvage.

3           But, it's also an attractive nuisance and it's a  
4 smelly, mold-filled, rodent infested blight on the  
5 neighborhood. This once significant and beautiful historic  
6 resource that exemplified the best of Kensington's historic  
7 past is now instead an ugly and tragic reminder to us all of  
8 the loss.

9           There is some divergence in opinion among  
10 neighbors about the best outcome for the neighborhood. But,  
11 all agree that we want to see this resolved and to see the  
12 burnt out house gone. Those who were most immediately  
13 impacted by the awful site and smells of the remains of the  
14 house naturally feel more strongly about this. Some would  
15 like to strike a compromise and allow the owners to build  
16 two houses on the three lots if that's what it takes to get  
17 rid of the blighted house. Others would like to see one  
18 house built in the place of what will be demolished, if  
19 that's what happens. Preferably, on the existing foundation  
20 with a reasonably sized addition and perhaps with an  
21 appropriate insulated structure such as a garage or carriage  
22 house.

23           We don't understand why the owners have rejected  
24 the idea of donating easements on the two side yard lots  
25 since there is a strong potential for tax benefits from

1 permanent property tax reduction from a one-time large  
2 charitable donation against federal income taxes which can  
3 be carried forward over several years. This would produce a  
4 win, win outcome for all. It might not maximize the profits  
5 to be realized from the property, but it would produce  
6 benefits that may even enhance the sales value of an  
7 appropriately designed house and accessory structure on the  
8 three lots. There's ample evidence, some of it in  
9 Kensington, that such a donation in a historic town like  
10 ours doesn't necessarily reduce the property's monetary  
11 value and it may even increase the salability of the  
12 property because there are buyers who value and will pay for  
13 the open side yards as an amenity.

14           There are several aspects to also consider  
15 including the fact that the creation of two 75 foot wide  
16 lots in place of three 50 foot wide lots creates a  
17 significantly larger building envelope for the designs of  
18 any new houses. The side yard setback requirements are the  
19 same whether the lots are 50 foot or 70 foot wide, but the  
20 width of a house that can be built on a 75 foot wide lot is  
21 allowed by zoning setbacks may be as much as 25 feet greater  
22 than the width of a house that could be built on a 50 foot  
23 lot. The effect on the streetscape and on the historic  
24 fabric of our neighborhood could be one of considerable  
25 impact.

1           We realize that the HPC has considerable  
2 jurisdiction over this, but it is somewhat subjective and an  
3 aggressive builder will quite literally push the envelope in  
4 fighting for the maximum square footage he can glean from  
5 the allowable building zoning envelope. The owners have the  
6 right to realize a reasonable use of their property as does  
7 any property owner, but there is no provision in the law to  
8 allow for maximizing one's profit. In this case, the  
9 neighbors in Kensington's historic district deserve your  
10 serious deliberation over the best outcome for all involved.  
11 I'll stop there. Thank you.

12           MR. JESTER: Thank you. We can move in to  
13 deliberations. Would someone like to start?

14           MS. MILES: I'll start by saying that this is a  
15 terrible tragedy and my heart really does go out. I  
16 remember very, very clearly when this happened and it was a  
17 very, very sad story, and my heart goes out to the family  
18 and all those involved. A tragic loss of life and also a  
19 very unfortunate loss to this historic resource, which is a  
20 primary one outstanding resource in a very important part of  
21 a very important historic district.

22           I do not think that the case has been made that  
23 this house constitutes a threat to human health and safety,  
24 and that it is required that it be demolished in order to  
25 protect health and safety. I believe that that case has not

1 been met. I believe that whether every piece of sheathing  
2 has to be removed from this house or not, whether every  
3 single interior element has to be removed or not, that does  
4 not affect whether or not this is a threat to human health  
5 and safety. Whether it has to be restored by doubling up  
6 members, whether it has to be less economically restored  
7 than would be preferred does not affect the question of  
8 whether or not it is a health and human safety hazard.

9 I believe that this house has been allowed to  
10 deteriorate further and I don't see how it can be avoided  
11 that the conclusion be reached when a house has been left  
12 largely open to the elements for over three years. And, I  
13 believe that has been a real burden on the community and  
14 that to some degree the owners have unclean hands coming to  
15 us asking now that we permit that the house be demolished  
16 given the condition that the owners have permitted it to  
17 enter.

18 I do not think a thorough investigation has been  
19 made based on the reports back from Commissioner Swift,  
20 which I appreciate very greatly. I think there should have  
21 been probes to see whether there was the damage you  
22 speculate that there will be behind, apparently, undamaged  
23 trim and finish elements. But, even if it is more badly  
24 damaged than you believe, houses in far worse condition are  
25 routinely restored. They do not have to have -- I do not

1 accept your view that the entire house has to be brought up  
2 to modern code if one piece of it is necessary to be brought  
3 up to code. If a house has a wing and the entire wing is  
4 virtually destroyed, that wing has to be restored and  
5 brought up to modern code. I do not think that applies to  
6 the entire building. But, I will say I am not an expert on  
7 that and I would defer to the person on our commission who  
8 is, Commissioner Swift.

9 I also would tell you that I do not believe you  
10 have come close to making the financial hardship case, the  
11 fact that this costs more than the alternative that you  
12 prefer is not a financial hardship and you'd, I think, have  
13 to come back to us with quite a lot more than you  
14 demonstrated. You do have a mortgageable asset and a very  
15 valuable piece of land, and you do have a substantial  
16 settlement from an insurance company, and I don't see why  
17 it's impossible. And, I think we've only granted one  
18 demolition permit in response to a financial hardship claim  
19 since I've been on this commission for several years and it  
20 was a very different scenario.

21 I would also say that the option of offering us  
22 two lots when the entire streetscape is predicated on these  
23 triple lots, it's not only not attractive to me. I agree  
24 with the witness from the community, Ms. Wilkes, who  
25 testified about the greatly expanded building footprint that

1 would be available on a double lot. Additionally, I don't  
2 see how that can be enforced. The fact that you offer it to  
3 us I don't think that we have the legal authority to require  
4 it. So, therefore, I don't think it would be appropriate  
5 for us to condition approval of a demolition permit upon  
6 something that we cannot require be done.

7 I do not believe that you have made your case for  
8 a human health and safety hazard. I do not believe you have  
9 come close to making a case for a financial hardship and I  
10 would deny a permit to demolish an outstanding resource in  
11 the Kensington Historic District that I believe is  
12 imminently salvageable, although it certainly was more  
13 salvageable three years ago, unfortunately, when it burned.

14 Thanks.

15 MR. KIRWAN: Well, I agree with what Commissioner  
16 Miles has said. I think the applicant started out tonight  
17 saying something to me, which was important in the way I'm  
18 sort of assessing this case. Mr. Hutt said that the house  
19 could be renovated. And, when I hear statements like that  
20 and that goes to what I'm trying to do in evaluating this  
21 case to determine if this can be torn down or not, or it  
22 needs to be torn down or not based on the structural  
23 integrity.

24 The fact that it can be renovated and we're  
25 hearing that from both people on the commission, we're

1 hearing that from members of the applicant's team sort of  
2 causes me concern about taking this resource down to the  
3 ground. I completely understand that it will require  
4 substantial renovation and restoration to achieve that. We  
5 will have to be looking at everything that will go into this  
6 house to restore it back to its former state. But, those  
7 are all things that we do as a matter of course. We look at  
8 window replacements. We look at siding replacements. We  
9 look at all sorts of material replacements. We look at  
10 additions. We look at changes to houses all the time.  
11 Commissions look at picking up houses and moving them to new  
12 locations when things like that are required by a governing  
13 body.

14           So, these are things that we're comfortable doing.  
15 We don't have any concerns about doing that. So, again, I  
16 think the case as Commissioner Miles said, and I will not  
17 repeat everything she said, but I think the case hasn't been  
18 made that this house needs to be torn down. And again, I  
19 cannot support this application to do so.

20           MS. WHITNEY: My concern with denying the  
21 demolition of this home is that even if, indeed, only 40  
22 percent, and I'm shocked to hear myself say only 40 percent  
23 is damaged, that means that approximately 40 percent of this  
24 structure is going to be all replacement material. It's  
25 going to be 40 percent modern material, modern windows.

1 It's not going to have plaster inlay. It's going to have  
2 sheet rock. Forty percent of this historic home is no  
3 longer going to be historic. So, at what point do we  
4 continue to call it a historic structure when there's so  
5 little of it is left? I'm very torn by this case, as I  
6 think all of us probably are.

7 I don't have any issue if we do recommend  
8 demolition. I don't have any issue with taking three lots  
9 and making that two buildable lots. But, I do also think  
10 that it is not our place to make that decision in this  
11 commission. So, maybe we need to hear some more comments.

12 MR. TRESEDER: My understanding of this  
13 application from the testimony of the applicant tonight was  
14 that the proposal for two lots was the town's proposal and  
15 not theirs and that's not part of this application. I'm a  
16 little disturbed by that because my understanding was that  
17 that application was amended to include that, but then I  
18 heard that that was not being proposed after all.

19 My commission is to respect the town of  
20 Kensington's deliberations and compromises because they have  
21 a lot more experience, you know, they're much closer to this  
22 than we are in a lot of ways. And, the fact they tried to  
23 rely their compromise, I think, is a good point. But, I  
24 don't see that on the table right now. So, I don't see how  
25 I can vote for a request for demolition without some sense

1 of that compromise being involved.

2 MR. HUTT: I hate to interrupt, but if I could  
3 respond to the commissioners?

4 MR. JESTER: Sir, I'm sorry, we're in  
5 deliberations. Sir, I'm sorry, we've given you an  
6 opportunity to speak and --

7 MR. HUTT: I appreciate that.

8 MR. TRESEDER: I may have misunderstood. But, I  
9 clearly heard you say that your application, that it was not  
10 your proposal to make it two lots.

11 MR. HUTT: However, we have agreed and we  
12 submitted an e-mail that is part of the staff report that  
13 says the property owner is willing to agree to that.

14 MR. TRESEDER: Okay, well that's what I read and  
15 that's what I thought, and that's why I was confused when  
16 you said it was not your idea.

17 MR. HUTT: If I confused you I apologize. That's  
18 why I asked for clarification. It is acceptable to the  
19 client, the applicant. All I wanted to make sure was --

20 MR. TRESEDER: My point is that I tend to take the  
21 testimony of the town and the neighborhood in the place that  
22 they seem to be comfortable with this possible compromise.  
23 I think there's probably some better compromises available,  
24 especially these ideas of granting easements and things like  
25 that would probably be a better win-win situation. And, I

1 wish that there was more creativity on the part of the  
2 applicant to try to solve this problem. But, at the same  
3 time I take the recommendation of the town very seriously.

4 MS. HEILER: I would have to disagree with the  
5 fact that 40 percent of the materials on this or even more  
6 would be replaced would be antithetical to preservation,  
7 that it would make it a new house not an old house. I think  
8 that we look at many very old houses where most of the  
9 materials or a very large amount of the materials have been  
10 replaced with more modern materials. What's happened is  
11 that it's been done over a hundred years or over two hundred  
12 years rather than all at once. But, we still have a  
13 historic structure and even if we are preserving a small  
14 amount of the actual materials, we're preserving the style  
15 of it. We're preserving the layout, the massing, and I  
16 think that's good enough.

17 MR. KIRWAN: I would agree with Commissioner  
18 Heiler. That was a point I was going to make as well. I  
19 don't think preservation stops at some point when there's a  
20 cumulative change to the house that a commission has been  
21 reviewing and approving. I think that doesn't limit our  
22 role in reviewing these resources. As Commissioner Heiler  
23 mentioned, a lot of the houses we see have significant,  
24 probably easily 40 percent or more, changes being made to  
25 the existing resource. So, I don't see that as a factor for

1 me, at least, in assessing this.

2 MS. MAHER: I'm going to have to agree with the  
3 comments made of almost all the commissioners. However, I  
4 don't think a very strong case has been made regarding what  
5 is salvageable. But, putting aside that I'm considering  
6 given that it's been -- I don't have to live next door or  
7 across the street from this property and deal with it on an  
8 every day basis. I did see it and it was hard to just look  
9 at it. It was sad.

10 I also agree with Commissioner Treseder as well as  
11 Commissioner Whitney with regard to there should be more  
12 creative solutions than what have been proposed. And, I do  
13 agree that there is a substantial loss that it's going to be  
14 hard to obtain the same look and feel of the original  
15 structure since there has been a considerable loss. On the  
16 other hand, I have not seen enough voice from the  
17 neighborhood. They seem to be kind of in a split decision  
18 on it and I don't feel that I can -- I would like to see it  
19 brought, demolished in a way that is suitable to the  
20 neighbors and the historic district in Kensington. Because  
21 I think it's been three and a half years and that is quite  
22 some time. But, it has to be something that everyone can  
23 live with and goes along with that neighborhood. This is  
24 one of the key residences for that district.

25 So, I would like to see something on the table

1 that puts in more strictures with regard to what will come  
2 in its place. Thank you.

3 MR. SWIFT: In my opinion, and I generally agree  
4 with what most of you have said, I don't think the  
5 possibility of retaining as much of the house as possible  
6 has been fully considered enough for me to vote for  
7 demolition. And, I think that has impact on both the  
8 integrity of what could be rebuilt and the costs that were  
9 put in front of us. I don't think that those were, that in  
10 a historic district it's expected that an attempt will be  
11 made to find a way to retain what's there. And, I don't  
12 feel like all those possibilities have been exhausted.

13 With regards to the structure, it is still my  
14 reading of the building code that the vertical load carrying  
15 system needs to be repaired, replaced where damaged. The  
16 lateral load system, because part of this building, let me  
17 say, the vertical only where it was damaged. The lateral  
18 system because a significant portion of it was damaged does  
19 need to be revised and brought up to current code. But, I  
20 don't think a fair consideration of how that could be done  
21 has been made.

22 So, with that in mind, I'm not able to vote for  
23 demolition with the information that we've been provided. I  
24 think I would, this really is a terrible situation. It's  
25 just difficult for all of us to look at and I think I would

1 be willing to consider demolition of this property with some  
2 sort of proposal in place and I don't know what level of  
3 detail would have to be to rebuild a single house on  
4 essentially the foundation and retaining significant parts  
5 of the massing. But, before that, as I've said before, I  
6 want to see the attempt to retain as much as possible with  
7 more detail.

8 MR. JESTER: I guess from my perspective I share,  
9 echo, the comments by most of the commissioners. I really  
10 appreciate Commissioner Miles' thorough look at all the  
11 particular issues. I also do not feel that the case has  
12 been made that demolition is necessary to remedy unsafe  
13 conditions under 24A.8.(b)(4) and I also don't think that  
14 the case made for hardship or that we're depriving the owner  
15 reasonable use of the property. I think that as  
16 Commissioner Kirwan stated that the applicants have  
17 indicated that it is possible to renovate this property. I  
18 personally worked on the renovation and restoration of the  
19 Eastern Market. So, I'm very aware of what happens when a  
20 fire occurs and the fire requires a lot of work. Property  
21 can be brought back and I agree that even if a significant  
22 amount of material needs to be replaced, the property can  
23 retain its integrity and is still historic.

24 I think it remains to be clarified exactly what  
25 percentage needs to be replaced. I think that Commissioner

1 Swift's reading of the code suggests that there may be more  
2 that can be retained than the current assessment by the  
3 applicant's engineer. Also, just on the subdivision issue,  
4 I really feel this is an unrelated issue. I think it's been  
5 put forward as a bit of a carrot to encourage the Commission  
6 to, as a way to improve the conditions if the demolition  
7 were to be approved. But, I really think this is a separate  
8 issue and I think we need to look at the merits of the  
9 application for demolition.

10 I just don't feel that the information that has  
11 been provided in this application to-date clearly makes a  
12 case that these are unsafe and unhealthy conditions that  
13 can't be resolved with the resources that are available. I  
14 know it's a very unfortunate situation for the applicants.  
15 I think we all appreciate that. But, our charge is to  
16 evaluate the resource and determine whether demolition is  
17 permitted based on our regulations, and I can't support the  
18 current application.

19 MR. WHIPPLE: Mr. Chairman, I'd just like to  
20 briefly address the issue of economic hardship. If you look  
21 at the memo that, if you look at circle six of the memo  
22 prepared for the July 14 meeting, the second paragraph  
23 there. The first and second paragraph talks about hardship  
24 and it's been staff's position all along that although  
25 there's information in the application that addresses

1 economic hardship, economic hardship isn't an issue that is  
2 right for HPC consideration until it's apparent that a  
3 denial is coming. And so, I think that HPC might want to  
4 give -- should a denial of this application be coming, that  
5 HPC might want to give the applicant an opportunity to put  
6 on additional evidence, whatever evidence you believe is  
7 necessary to consider an economic hardship argument. And,  
8 so I might suggest --

9 MR. JESTER: And, offer to continue the case or?

10 MR. WHIPPLE: Well, maybe you could take a straw  
11 vote to see what your feelings are on demolition and if it  
12 seems likely that the HPC is going to deny, then you might  
13 want to have a conversation with the applicant to see how we  
14 can pursue any evidence on economic hardship.

15 MR. JESTER: I think that's reasonable. I haven't  
16 heard anyone suggest that -- I think this demolition request  
17 is what's directly before us. If you're in support of the  
18 demolition then you might have feelings about the  
19 subdivision. But, let's just take an informal straw poll  
20 starting with Commissioner Swift, whether you can support  
21 the current application on demolition.

22 MR. SWIFT: I cannot.

23 MR. JESTER: Ms. Whitney?

24 MS. WHITNEY: I can support the demolition.

25 MR. JESTER: Mr. Treseder?

1 MR. TRESEDER: I could support the demolition.

2 MS. HEILER: I could not.

3 MS. MILES: I could not.

4 MR. KIRWAN: I cannot.

5 MS. MAHER: I could.

6 MR. JESTER: And, I would not be able to support  
7 the application. So, I believe we have more who are not  
8 inclined to support the current application. If the  
9 applicant or their representative would like to come forward  
10 we would be able to offer you the opportunity to continue  
11 the case if you would like to spend additional time to  
12 prepare additional information to make your case for the  
13 proposal?

14 MR. HUTT: As I understand it, well, is it on  
15 providing additional information on the support of the undue  
16 hardship or is it -- okay. Well, in that regard, yes, we  
17 would and we also to the extent that commissioners either at  
18 this point in time or to give to staff so that we could find  
19 out from you what information you would want us to explore  
20 so that we come back and present a more substantive position  
21 to you on that question.

22 MR. JESTER: I think the staff could work with you  
23 on that particular item. We do have one commissioner who is  
24 not here this evening, but done with the straw poll was it  
25 doesn't sound like it would have made a difference.

1           MR. TRESEDER: Mr. Chairman, one thing that I  
2 would like, it has nothing to do with economic hardship, but  
3 while they're at it, some kind of statement from the county  
4 regarding this code compliance because my experience with  
5 the code has been that there's quite a bit of flexibility by  
6 the county in these historic things. If a big part of their  
7 case is this code business, I think they should have some  
8 kind of letter testimony from the county regarding that.

9           MR. JESTER: And, I think that could be directly  
10 related to the hardship case. I think what we determined  
11 this evening is that the case has not been made for  
12 demolition on the unsafe conditions under 24A.8.(b)(4).  
13 And, so we're looking for the applicants to prepare  
14 information that would support a case for demolition based  
15 on 24A.8(b)(5) or any other avenue that you feel would be  
16 compelling. Would that be your preference as opposed to us  
17 voting, entertaining a motion on this current proposal?

18           To be clear, if we do vote on the proposal this  
19 evening and deny the application, the remedy for you would  
20 be the Board of Appeals if you wanted to go that route.

21           MR. HUTT: We would gladly accept the Commission's  
22 offer to explore with the assistance of staff's assistants  
23 further elements to address the undue hardship to the extent  
24 of attempting to get an interpretation from the Department  
25 of Permitting Services. We'll also explore that possibility

1 perhaps with your staff's support as well. They may be able  
2 to trigger that request since it's one governmental agency  
3 with another governmental agency because of a pending case  
4 than just a property owner making an inquiry. But, we'll  
5 work together with staff.

6 MR. JESTER: Thank you.

7 MR. SWIFT: If it's helpful, I could summarize my  
8 reading of the code related to this. It's a difficult thing  
9 to talk about in a public forum and if that would be helpful  
10 I can talk to staff.

11 MR. HUTT: Commissioner Swift, I think it would be  
12 simply because, at least, it would be able to be proffering  
13 to DPS that this is HPC's interpretation of the provision.  
14 Please assist us in clarification as to that aspect of it.

15 MR. WHIPPLE: And, what we'll do is whatever it is  
16 that Commissioner Swift writes up we'll share with you and  
17 then we'll make it available to anybody who's interested in  
18 seeing it.

19 MR. HUTT: We appreciate that. Thank you very  
20 much.

21 MR. JESTER: Thank you. The next item on our  
22 agenda this evening are the preliminary consultations. We  
23 have one this evening. It's Case A at 15020 Clopper Road in  
24 Boyds. Is there a staff report?

25 MR. SILVER: Yes, there is. Anne is going to hand

1 out some supplementary material that the applicant has  
2 provided tonight which will be related to some of the  
3 discussion points I know that they would like to have with  
4 the Commission about their proposal.

5           15020 Clopper Road is a non-contributing resource  
6 in the Boyds Historic District. The applicant's proposal is  
7 relatively straightforward. They are proposing to demolish  
8 an existing non-historic house and construct an  
9 approximately 900 square foot, two story house and a 400  
10 square foot one story, two car detached garage. The  
11 proposed work includes the installation of an asphalt  
12 driveway, removal of three trees and the design includes  
13 construction of a deck in the rear yard that is attached to  
14 the house.

15           As I indicated at the work session upstairs, since  
16 the staff report was written I have spoken with the  
17 applicants and they are in agreement with some of the  
18 material suggestions that staff has outlined in the staff  
19 report. So, forgive me if I'm sort of going over the staff  
20 report in an odd way, but I'm going to try and address some  
21 of the new materials that the applicant has agreed to.

22           So, these material treatments for the house and  
23 the garage include fiber cement siding, one over one double-  
24 hung windows, composite material decking and railing system  
25 for the rear deck and a painted wood for the front porch,

1 and the garage materials will be consistent with the house.

2           Staff supports the proposed demolition of a  
3 non-contributing resource. Demolition will have no impact  
4 on the streetscape of the historic district and support for  
5 the proposed design concept for construction of a new house  
6 and garage. The design fits within the setting of the  
7 district and reinforces the basic characteristics, visual  
8 characteristics of the area and historic properties in the  
9 vicinity. The size and orientation setback proposed for the  
10 house is compatible with the outstanding resource located to  
11 the right, which also helps in establishing an appropriate  
12 rhythm with that house as well.

13           Staff supports the amended material selections for  
14 the fiber cement siding on wood, one over one double-hung  
15 windows and a wood front porch. Staff does support a  
16 composite porch, or excuse me, deck for the rear yard. The  
17 decking would be a composite Trex or evergreen product and  
18 the railing systems would be Azek so they could be painted.

19           Staff's one concern with the project is the window  
20 arrangements on the rear and side elevations and staff is  
21 asking the Commission to discuss with the applicant the sort  
22 of solid to void ratio, and support the garage location.  
23 It's detached and it's set back. As I said, the materials  
24 for the garage will be consistent with recommendations for  
25 the house and what the applicant has agreed to.

1           Staff would recommend an alternative driveway  
2 material such as an exposed aggregate concrete, pavers or  
3 gravel, Grasscrete be installed in lieu of asphalt to help  
4 mitigate visual impact on the streetscape of the district.  
5 Again, the applicant would like to discuss the installation  
6 of an asphalt driveway.

7           I addressed the composite decking for the rear  
8 elevation deck and the tree removal. Staff recommended the  
9 applicant provide a more detailed landscape plan for the  
10 property that illustrates the existing proposed trees and  
11 measures necessary to protect the trees and/or whether or  
12 not trees would be planted. That is included with the  
13 supplementary information and it does appear that the  
14 applicant is going to plant trees on the property and has  
15 provided photographic evidence of at least one of the trees  
16 from what I saw that is in deteriorated condition from my  
17 assessment.

18           I can quickly go through some slides just to give  
19 you a sense of where this is. We don't see too many  
20 projects in the Boyds Historic District. Give you an idea  
21 of where this is located. You can see that there is a  
22 non-contributing resource to the left with a circular  
23 driveway that is set back that is part of the historic  
24 district as is the property to the left of that one as well.  
25    The one to the right of the red rectangle is the

1 outstanding resource.

2           Looking from the top left is the front elevation.

3       The photo on the right, top right would be looking to the  
4 side yard of the current resource. Bottom left an oblique  
5 view and then the bottom right would be looking with the  
6 driveway of the outstanding resource to the right in the  
7 foreground looking toward the non-contributing resource.

8       The adjacent property to the left -- or, the adjacent  
9 property to the right is in the right photo and then  
10 immediately confronting this property is the Marc train  
11 station. And, on the other side of the tracks are some  
12 industrial type buildings that are part of the historic  
13 district.

14           I sort of needed to amend the points that I had on  
15 circle 3 and 4 of the staff report because I feel that we  
16 have satisfactorily addressed some of the material issues  
17 that I had outlined and these are the items that I know the  
18 applicant is interested in talking with the Commission  
19 about. I can take any questions.

20           MS. MILES: I have a question about the asphalt  
21 driveway. Are there other houses, is the adjoining  
22 outstanding resource to the right, is that one an asphalt or  
23 a gravel driveway?

24           MR. SILVER: That's a good question and I have an  
25 answer for you and a little bit of a story. I was up there

1 -- the driveway to the right of the outstanding resource  
2 was, which is an awkward part in this story, was a gravel  
3 driveway as of, not this past Monday, the Monday before when  
4 I was up there on a site visit. I have been told since that  
5 it is now an asphalt driveway. And, then, of course, the  
6 driveway to the left of the non-contributing is an asphalt  
7 circular driveway.

8 MS. MILES: Has a citation been issued?

9 MR. SILVER: Not as of today.

10 MS. MILES: Okay.

11 MR. SILVER: But, I think I will clarify just a  
12 little bit more, Commissioner Miles, that there are examples  
13 of historic resources, outstanding contributing resources in  
14 Boyds that do have asphalt driveways. But, as is the case  
15 that there are some that have a gravel driveway as well.  
16 So, there is a sort of sample of driveway treatments in the  
17 historic district.

18 MR. JESTER: Any other questions for staff? If  
19 not, the applicants, if you would just state your name for  
20 the record, please, and if you want to make a brief  
21 presentation.

22 MR. FARNSWORTH: Actually, it's Bubba Farnsworth  
23 and my son, Parker Farnsworth who is going to be the owner.  
24 And, we started out this process of trying to come upon  
25 affordable housing for him. It's kind of gotten from this

1 point to a little bit more than affordable, but we're going  
2 through with this because we've become friends with the  
3 neighbors and the neighbors are like just get this thing  
4 gone because there's a vulture living in the second floor  
5 and a fox living in it. It's been there for 10 years. So,  
6 anyhow we're going to continue on with this even though it's  
7 going to be a little bit more than affordable.

8           Neither of us are very good public speakers, so we  
9 kind of prepared a package for you guys to see our views of  
10 the three outstanding items.

11           MR. SILVER: I think the points on the screen  
12 address those with the exception, I believe, of the trees  
13 which I did state in the presentation.

14           MS. MILES: Could we just ask you some questions?

15           MR. FARNSWORTH: Certainly.

16           MS. MILES: On the right elevation where there's a  
17 door and one window on the first floor, can you tell me  
18 what's going on on the second floor that you don't want --  
19 because apparently you're happy with this window  
20 arrangement? So, I want to know what's going on inside.

21           MR. FARNSWORTH: Yeah, right above the door is the  
22 master bedroom and it's got the master bath and the master  
23 closet that back up to this area here. In the front top of  
24 the house is another bedroom. We have a window on the  
25 front. This bedroom does not really have a bed wall unless

1 we leave that window out on the side. And, down on the  
2 lower level we could actually add a window, that's the  
3 dining room but it's going to be looking out on to the  
4 driveway so we left it that way.

5 Also, we could put a louvered vent in the top of  
6 the gable to cut it up a little bit.

7 MS. MILES: I think that would be an improvement.  
8 It's a good idea.

9 MR. JESTER: Is there a reason why you don't have  
10 a window in the second floor bedroom?

11 MR. FARNSWORTH: We have a window on the front of  
12 the house in the second floor bedroom.

13 MR. JESTER: Are you referring to the right  
14 elevation?

15 MR. FARNSWORTH: Correct.

16 MR. JESTER: It looks like in the plan that part  
17 of the house is a bath and a closet and a bedroom.

18 MR. FARNSWORTH: Yeah, the bedroom it really  
19 wouldn't have -- that bedroom the way it's configured  
20 wouldn't really have a bed wall unless we left that window  
21 out of that side.

22 MR. TRESEDER: I'm going to have a suggestion that  
23 will save you some money.

24 MR. FARNSWORTH: That sounds good to me.

25 MR. TRESEDER: If you feel the need to have these

1 paired windows in the front -- by the way, I'm not too  
2 worried about the rear elevation, it doesn't show. I'm  
3 actually concerned about the front elevation. In all the  
4 examples you showed us in your pictures of the other houses  
5 you'll notice there are no paired windows. They're all  
6 individual, single punched windows. I would feel much more  
7 comfortable if these paired windows are separated apart so  
8 they read as individual windows. But, if you chose to keep  
9 them paired, I would be much more comfortable if you  
10 eliminated the shutters since the shutters are clearly  
11 nonfunctional in a paired window situation like this. So,  
12 you could save the money and not bother with the shutters.

13           And, then while you're at it you should put a four  
14 to six inch spandrel between the windows to give them more  
15 presence. And, that would be a minor adjustment. So, that  
16 would be my take on the window situation. I'm less  
17 concerned about the rear and side, but the front is very  
18 important and those two aspects of the front composition  
19 would be a big improvement at no additional cost in my  
20 opinion.

21           MR. FARNSWORTH: The reason that we went with the  
22 double window in the front is because we can't get a window  
23 in the middle of the house because that's where the bathroom  
24 is. Just to give it more of a curb appeal. We wanted to be  
25 a little different from the house next door which has a

1 single punch window. And, there is on page 23 there is a  
2 window with -- there's a house with a double window on the  
3 front.

4 MR. TRESEDER: I see that and you'll notice it has  
5 no shutters.

6 MR. FARNSWORTH: It doesn't.

7 MR. TRESEDER: So, that just reinforces my point.  
8 It's up to you if you want two windows or not, but if you  
9 do, the space between the windows, when you take a look at  
10 that and notice how there's probably six inches between  
11 those windows and there's no shutters. And, I think that if  
12 you follow that model it would improve the look of the  
13 house.

14 MR. FARNSWORTH: Yes. The thing that we were  
15 concerned with was we'd be about six feet of siding between  
16 the windows. That's why we kind of put the shutters to take  
17 up part of that.

18 MR. TRESEDER: Yeah, but that's not a good --  
19 historically, that's not the way to do it.

20 MS. MILES: I agree with that. The reason is,  
21 obviously, you could never cover two windows with those  
22 little shutters. So, they always look inappropriate on a  
23 double window -- I mean, double windows didn't exist in  
24 historic houses anyway. The shutters were there to close.  
25 So, they look very tacked on and never look right.

1           I wanted to go back actually to the side elevation  
2 just briefly. I do think that the louvered vent in the peak  
3 of the gable would be a good idea. But, could you consider  
4 a clear story window or something that would be higher than  
5 the bed because it's a very blank wall and you'll have no  
6 sunlight coming into that -- I don't know which direction is  
7 north, south, east and west here. But, I would think you're  
8 going to want some cross-ventilation. That's why most  
9 historic houses do have windows on all four elevations and  
10 virtually in all possible locations because of cross-  
11 ventilation. And, I think the left side could maybe be  
12 balanced a little bit too with another window.

13           MR. FARNSWORTH: I don't know if you saw the  
14 pictures that I sent of the adjacent properties.

15           MS. MILES: I know. They're not necessarily good  
16 either, but you're starting from scratch, so you can do  
17 well.

18           MR. JESTER: The other advantage of having a  
19 window on more than one wall in a room is different times of  
20 the day you'll get light in the house. And, I think the  
21 cross-ventilation point is a good one too.

22           Just to kind of jump on what Commissioner Miles  
23 just said. I think the, I guess it's the left side  
24 elevation and the rear, a couple of the windows are very  
25 tight to the side of the house and I think just a little

1 more space between them we would be more comfortable. In a  
2 couple cases if we could just align the windows from the  
3 first story and the second story would help a lot. I think  
4 it wouldn't really change what you're trying to achieve  
5 inside the room, but I think it would really look a lot  
6 better. They're a little too tight to the side.

7 MR. FARNSWORTH: Okay. We were just trying, and  
8 if you look at the floor plan, we were trying to achieve a  
9 nice corner that had views in both directions and we also  
10 tried to leave enough space in between the two windows to  
11 have a bed wall.

12 MR. KIRWAN: I hear your arguments countering what  
13 we're suggesting. But, I think it would be helpful for you  
14 when you come back for a HAWP to maybe think about those  
15 issues a little bit harder. I mean, I think many of us are  
16 architects on this commission. We know there's a lot of  
17 ways to work a bed into a room and to get windows to work on  
18 the outside as well where you want them. So, I think  
19 there's ways to solve those problems. There's ways to get  
20 what we're looking for and to get what you're looking for at  
21 the same time.

22 I went out to the site today at lunch time and I  
23 don't have any problems with the massing of what you're  
24 proposing, the location of the garage. I'm glad to hear the  
25 material treatments are being, you know, you're taking

1 recommendations of staff on material treatments because I  
2 would concur with what staff was concerned about there.

3           The one thing that strikes me is that in looking  
4 at the elevations particularly is that the house in its new  
5 location is going to be very visible on three sides at  
6 least. You're moving the house further away from its  
7 neighbor to the west and positioning it more centered on its  
8 property. So, that really causes me concern for all three  
9 sides. Clearly, the front is the most important but those  
10 two sides are going to be very visible from public space as  
11 well. So, I think some of the suggestions you're getting  
12 from the other commissioners tonight are really worth  
13 heeding because when you come back for a HAWP I would want  
14 to see much more control over those side elevations and side  
15 elevations that are more consistent with sort of the  
16 historic spacing of windows that you see in the district.

17           If you look at your neighbor directly to the west  
18 they have windows on their side elevation. They're held off  
19 the corners and nice and balanced and stacked as they go  
20 from the first floor to the second floor. I think those are  
21 the kinds of things that I would like to see when you come  
22 back. I think there's also some good examples of the way  
23 some of your neighbors have treated renovations in the  
24 historic district. There's a neighbor directly behind your  
25 property who has built a very large garage structure. I

1 have to assume that this commission at some point saw it.  
2 It looks relatively new. And, I'm not suggesting you look  
3 at that necessarily for the exact massing and those sorts of  
4 things, but those material treatments there that I think  
5 were very successful in the way that came off.

6           If you go down Main Street in Boyds on Clopper  
7 Road, Route 117 there's a very nice new commercial building  
8 that's been inserted into the historic commercial district  
9 there. And, I think there's a lot of things we'd look at  
10 there in the way both they treated the windows, the  
11 placement of windows in the facade, the material treatments  
12 and all those things. So, I strongly recommend you look at  
13 those two structures so you can get a sense of the kind of  
14 thing that we're after when you insert buildings into  
15 districts like this.

16           So again, I think it's really bringing more order  
17 to your window locations on your elevations so that they're  
18 a little more consistent with what you see in the district.

19           And, as far as asphalt versus gravel driveway, given that  
20 this is not a contributing resource I'm not that concerned  
21 about the material treatment. I think given your neighbors  
22 who have a non-contributing resource have an asphalt  
23 driveway, we'll figure out if your neighbors to your west  
24 will get to keep their asphalt driveway at a later time.

25           But, I think it's okay in this case to consider that as an

1 alternative material to what we normally see. Thank you.

2 MS. HEILER: I would just like to comment on the  
3 windows on the front. I, like Commissioner Treseder, was  
4 just a little bothered by the double windows. You've sort  
5 of echoed a lot of the stylistic elements off other historic  
6 houses in the neighborhood. I think that's why I found  
7 these very large double windows to be disturbing, just that  
8 they occupy a lot more of the facade than the windows on  
9 similar, on historic houses in your area that have similar  
10 stylistic elements. I think the shutters just compound the  
11 problem.

12 I guess I would prefer, at least, to see windows  
13 that were a little bit more like the outstanding resources  
14 which are large but they're not double and they, in fact,  
15 did have shutters but they simply don't take as much of the  
16 real estate on the front.

17 MR. KIRWAN: I agree with Commissioner Heiler.  
18 Just a couple more points that I wanted to make that I  
19 missed when I just spoke. One is just going back to the  
20 bathroom on the front facade and listening to Commissioner  
21 Heiler reminded me of this comment that I wanted to make.  
22 Bathrooms can have windows. Just because it's a bathroom  
23 doesn't mean it can't have a window. You can configure the  
24 plan in a way to put a window in the front if that's a good  
25 appropriate response to the front facade. I personally

1 think it is. I think a center window similar to your  
2 neighbor's tripartite arrangement of windows on that front  
3 facade would be very helpful.

4           The other point I wanted to make was as you move  
5 your house further to the east than the existing resource,  
6 if you look at circle 12 which shows your side elevation  
7 facing your eastern neighbor, you have drawn sort of a  
8 contour line there which to what I could tell today when I  
9 was at the site is fairly similar to what's there now. But,  
10 when you move the house closer to the east you're actually  
11 going downslope compared to where the house is now. So, I  
12 suspect you're going to get more exposure on that foundation  
13 wall than the current house has onsite now. So, I think  
14 that's something to consider too.

15           I think it would be helpful when you come back for  
16 a HAWP to really look at a contour grading plan and really  
17 accurately depict those contours around the house. I could  
18 be wrong, but I suspect this is kind of oddball based on  
19 what your best guess is or whoever drew this best guess on  
20 what the contours would be there. But, I suspect they're  
21 going to be, there's going to be more exposure to that  
22 foundation wall than what we see in this drawing.

23           MR. FARNSWORTH: We had planned on bringing some  
24 fill-in on this side over here. Because if you notice right  
25 now the house, the contour drops straight off from that side

1 of the house and we're actually going to be down further.  
2 So, we're going to fill the front and fill part of the side.

3 MR. KIRWAN: If you're going to do that, all the  
4 more reason to bring a contour site plan with you for your  
5 HAWP because I think we might have some concerns about the  
6 environmental changes that will occur on that site if you're  
7 bringing fill into the site, how much fill you bring in, how  
8 much are you changing the natural contours there. So, I  
9 think that's something we'll want to focus on too when we  
10 see it next time.

11 MR. TRESEDER: I just found another way to save  
12 you some money. On your garage, the little bits of stone on  
13 the front of garage like that, you'd be better off leaving  
14 them off.

15 MR. FARNSWORTH: Leave them off?

16 MR. TRESEDER: Because in my opinion I think even  
17 Commissioner Kirwan will probably agree with me on that,  
18 and a lot of money you've saved. I notice on the garage  
19 you've drawn it with an overhang on the front and rear  
20 gables which I think is very attractive. If you could  
21 possibly incorporate some kind of overhang on the gable ends  
22 of the main house I think it would add to the  
23 attractiveness, certainly from the front facade. It would  
24 just add to it and, of course, if you look at the historic  
25 houses, you already have about, it looks like, a one foot

1 overhang in the front which is consistent with the  
2 neighborhood. But, having an overhang on the side is a  
3 relatively small thing and it makes a tremendous difference  
4 when you look at the house.

5 MR. FARNSWORTH: So, you gave it back to us and  
6 then took it away.

7 MR. TRESEDER: But, you get a much more aesthetic  
8 house.

9 MR. FARNSWORTH: That's true.

10 MS. WHITNEY: Well, then you can get the fox and  
11 the vulture to start paying rent, right, in the meantime  
12 until it gets torn down. The louvers, the louvered vent in  
13 the gable, brilliant idea. It will probably keep your attic  
14 a bit cooler as well. I wanted to thank you for keeping the  
15 outhouse. That was one of the original structures. I  
16 personally grew up with one. That was great that you kept  
17 that. I don't have any issues with the asphalt driveway.  
18 All of your neighbors seem to have it at the moment. I  
19 thank you for keeping the vernacular style of the house  
20 complementary to the rest of your neighborhood. And, I am  
21 not going to mention a word about windows. You've had  
22 enough suggestions on that. Thank you.

23 MR. SWIFT: I agree. I think the massing and the  
24 general design of the house is appropriate. It fits in  
25 without being an exact replica. So, you've done a nice job

1 there. I also won't address anymore window issues. I think  
2 you've got an idea of what should be done. And, I have no  
3 issues with an asphalt driveway.

4 MS. HEILER: Nor, do I.

5 MS. MAHER: I agree with the commissioners and  
6 their comments and advice to you.

7 MR. JESTER: As do I. And, I can just summarize.

8 I think you've heard almost all the commissioners, all the  
9 commissioners find the massing appropriate and compatible  
10 with the district. I think that really kind of tweaking,  
11 fenestration of window arrangements a little bit and  
12 addressing some of the details that may not quite be there  
13 yet. There was a suggestion to include an overhang for the  
14 side elevation and incorporate louvers. And, I don't think  
15 I heard any opposition to the asphalt driveway. So, I think  
16 that that could be part of your HAWP as well. Do you feel  
17 you have enough direction from us based on what you heard or  
18 is there anything else we need to --

19 MR. FARNSWORTH: I do have a question. If we do  
20 go with single windows in the front then are the shutters  
21 inappropriate still?

22 MR. JESTER: No, I think what I heard was that you  
23 could either have double windows without shutters or  
24 possibly single windows with shutters if that's your  
25 preference. You might have some windows you could move to

1 the side elevations to keep it cost neutral.

2 MR. FARNSWORTH: We are working with only 1,700 to  
3 1,800 square foot house so it's kind of a challenge.

4 MS. MAHER: I have a comparable sized house with  
5 actually six windows on the front and I have about a four  
6 inch in between. And actually, it's great light in the  
7 space because I have side windows as well, but it makes it  
8 challenging to work with that space. So, I would consider  
9 the windows.

10 MR. FARNSWORTH: This was a challenge to begin  
11 with. The septic system and the whole nine yards. We  
12 didn't have much room to work with on this property.

13 MR. JESTER: If I could just add one more thing.  
14 There was a comment by Commissioner Kirwan about, with a  
15 request for a more detailed site plan and possible grading,  
16 so that's a condition to be included with your HAWP when you  
17 prepare it.

18 MS. MILES: Can I say briefly, I really appreciate  
19 that you agreed to the natural materials before you came to  
20 see us. Thank you.

21 MR. FARNSWORTH: One other question, the planning,  
22 the tree planning did anybody have any comments about the  
23 new trees that we're adding or trees we're taking out?

24 MR. JESTER: No, I don't think there are any  
25 issues there. Thank you.

1 MR. FARNSWORTH: Thank you very much.

2 MR. JESTER: The next item on the agenda is the  
3 minutes.

4 MS. FOTHERGILL: We don't have corrected minutes  
5 for July 14 or August 11, so we just need a volunteer for  
6 tonight.

7 MR. JESTER: Do we have a volunteer for this  
8 evening's minutes?

9 MS. FOTHERGILL: Thanks, Commissioner Whitney.

10 MR. JESTER: Commissioner Whitney, thank you. The  
11 next item, other business -- are there any commission items?  
12 And, I believe we have staff items to review.

13 MS. FOTHERGILL: Yes, I e-mailed you one about the  
14 lettering for the sign in Takoma Park and the applicants  
15 were approved for individual letters that were to be painted  
16 wood. They've now come back with a proposal for slightly  
17 smaller lettering and they're acrylic. I have a material  
18 sample if you want to touch it. It would be thicker than  
19 that, three-quarters inch thick. It would be that color.  
20 So, the applicant needs to know if you would support that  
21 for the lettering.

22 MR. JESTER: And, it's not illuminated. It's just  
23 mounted.

24 MS. FOTHERGILL: That's right.

25 MS. MILES: Have you ever seen this installed and

1 it like reflects light?

2 MS. WHITNEY: It looks shiny to me. I think we  
3 very recently had an issue with acrylic signage at another  
4 HAWP, maybe one that we reviewed last meeting.

5 MS. FOTHERGILL: Really, which one was that?

6 MR. JESTER: The property in Sandy Spring.

7 MS. WHITNEY: And, we were all opposed, multiple  
8 meetings against acrylic lettering. So, I'm not sure that I  
9 could support acrylic.

10 MS. FOTHERGILL: Just to clarify and you're right  
11 that that was the white background with some sort of flat,  
12 it wasn't raised lettering. And, this is higher whereas  
13 that was, you could touch it, see it, feel it. But, yes,  
14 this is, I don't think in general this commission has  
15 supported a plastic material for lettering.

16 MR. SWIFT: This is revised from wood?

17 MS. FOTHERGILL: From wood, that's right.

18 MR. SWIFT: Did they consider metal of any sort?

19 MS. FOTHERGILL: Well, I was going to say, does  
20 the Commission have any suggestions for looking at this  
21 building and this location of materials they would support.

22 MR. TRESEDER: I think metal would be a lot more  
23 expensive. I suspect that that would be a consideration for  
24 them. You can paint acrylic. Now, that's not going to  
25 solve the maintenance issue as far as paint is concerned.

1 But, at least, they'll not rot right away. And also, that  
2 would get rid of the sheen and the shininess and once  
3 they're painted they would look identical to wood. So, if  
4 durability and simplicity is the issue, I would think with  
5 paints these days I'm sure you could get something that  
6 would stick very nicely to this acrylic. So, who cares what  
7 the substrate is as long as it has the proper dimensions.

8 MR. JESTER: So, painting the acrylic is a  
9 maintenance issue, but you can paint to protect the wood  
10 that we've already approved.

11 MS. FOTHERGILL: I mean, in their reasoning for  
12 the change the maintenance was an issue and then the cost  
13 was an issue. So, if, in fact, they were willing to paint  
14 this would that be?

15 MS. MILES: Willing and able. I mean, I don't  
16 know that that's paintable. It has to be paintable, I  
17 agree.

18 MR. TRESEDER: Yeah, because paint bonding, you  
19 know.

20 MR. JESTER: I would support a painted.

21 MR. TRESEDER: Auto body paint, there's lots of  
22 kinds of paint out there.

23 MS. FOTHERGILL: Okay, so I'm going to let them  
24 know that not as is, but if they can paint it. Okay.

25 Thanks. And, then my second staff item is very recently you

1 reviewed 11 West Melrose. It might even have been at the  
2 last meeting and there was a lot of discussion about the  
3 windows on the addition. And, they took one of your  
4 suggestions to heart. It's similar to what we just talked  
5 about with the shutters and the double window. And, they  
6 are proposing to revise that second story left window. This  
7 is a non-historic massing with a single window to match the  
8 other end. So, based on the conversation that the  
9 commission had I think you all were supportive, but I have  
10 to bring it back.

11 MR. SILVER: I have two, 511 Albany Avenue, a  
12 non-contributing resource. They are asking for a revision  
13 to continue their tinted poured concrete driveway for that  
14 two foot extension that you approved for pavers. It's a  
15 non-contributing resource. It's a poured concrete driveway  
16 now.

17 9 West Lenox in Chevy Chase, they need to add an  
18 18 to 23 inch high brick retaining wall in the locations on  
19 the site plan. It will match the dimensions and texture and  
20 color of the brick that the HPC approved for the walkway.

21 MR. SWIFT: Why is this necessary?

22 MR. SILVER: There's a change in grade that was  
23 not determined at the time of the plan.

24 MR. SWIFT: Two foot maximum. You said 23 inches.

25 MR. SILVER: Yeah, it's to accommodate the change

1 in the grade from the house to the garage. There was a  
2 substantial sort of nonconforming brick wall that they  
3 actually removed as part of their HAWP which was an  
4 improvement to this property that sort of helped to open up  
5 the view of the house from the streetscape. So, I don't  
6 think this will have any sort of major visual impact.

7 MR. JESTER: It looks like it will be heavily  
8 landscaped so I don't see any issue with this.

9 MS. MILES: I don't see how we can deny a  
10 retaining wall.

11 MR. SILVER: Thanks.

12 MR. JESTER: I think with that we are adjourned.

13 (Whereupon, at 9:41 p.m., the hearing was  
14 concluded.)

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% Digitally signed by Donna J. Escobar

ELECTRONIC CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Montgomery County Historic Preservation Commission, on September 22, 2010.

*Donna J. Escobar*

\_\_\_\_\_  
Transcriber

\_\_\_\_\_  
October 1, 2010

\_\_\_\_\_  
Date