

**Shepherdstown Planning Commission Draft Minutes,
Special Session, December 7, 2009
Town Hall, 7pm**

Call to order, 7:00 pm: Attending; Harvey Heyser, Jim Auxer, Catharine Wilson, Josh Stella, Lori Robertson, Bane Schill, and Pam Berry. Absent, David Rosen, Karene Motivans.

This session is only for the purpose of reviewing three building permit applications.

Conflicts of interest: none

Visitors: Steve Harris, Diane Iwig, Andrew Percy.

Administration report: none

Applications:

#09-39, *Specialty Business Supplies, 111 South Princess, replacement sign.*

J. Auxer moved to approve application, L. Robertson seconded. Unanimously passed based on 9-210 II.

09-40, *Andrew Percy, 206 E. High Street, change porch skirt from diagonal lattice to solid with a pattern to match front door; and, paint front door black.*

[Note: This job started as a normal maintenance to replace several rotted porch boards and turned into a rotted porch; though the porch was a replacement under “ordinary maintenance”, the owners wanted to go with a solid skirt as they maintained that animals were getting under their porch.]

Owner/applicant Andrew Percy said they had purchased the property in 2006; it had been a rental property for the previous 15 years; A. Percy said he is aware of the historic nature of the house and he expressed his belief that the projects done on the property since 2006 have been good. He was unaware of historic review process. When the plastic lattice skirting was removed, under the porch became

home to local critters, which he defined as cats. Applicant chose to do a solid skirt around the bottom after driving through town to see what other houses have for skirting; he said they modeled the solid skirt after a photo of another house. Under the porch is dirt; and the solid skirt is far from being airtight. PC noted there had been a communication breakdown, but an application needed to be filed as anything done to the exterior of a historic building needs to be documented, and any changes need to be consistent with the facts of the structure; an application needs to be presented with factual evidence; the HLC was not presented with any proof of a solid skirting. H. Heyser stated that he did not see anything esthetically incompatible, but noted the HLC found the solid skirt historically less appropriate than lattice. B. Schill wondered about making every house in town alike. J. Auxer interjected that Historic Shepherdstown, in the Entler Hotel, has a photographic history of the town including the houses, and speculated that it was an under-used resource. L. Robertson motion to approve the application; C. Wilson seconded. Motion passed to approve the application based on 9-902 I(a)(c), and 9-902 IV(a)(b).

09-41, *Steve Harris, contractor for Diane and Bob Iwig, 219 West German St., install new railing.*

S. Harris recapped the project for the PCL: In August, application #09-28 was submitted to remove a stone patio/deck and erect a composite replacement; the HLC would not recommend approval of the #09-28 and recommended the PC encourage the applicants to restore the stone using what rock they could, and replace the old iron rail with something more historically appropriate; when informed of this, S. Harris withdrew the application, before it went to PC, with the assurance that he would do the project as the HLC requested [according to Title 9, the stone work falls under “maintenance”; the new-style rail now proposed in #09-41 does not.]. S. Harris said the original patio was deteriorating and dangerous and had resulted in visitors falling; S. Harris said the railing was unsafe; he said the majority of the rocks had deteriorated and that ultimately they replaced stone with stone. The previous year, the owners’ replaced the side patio with the same rock that was used on the new patio/deck, and that the previous application was presented and approved by the PC; as S. Harris understood it, in light of deteriorated state of the older rock and the previous approval of the patio rock, and the zoning officer’s advice that “normal maintenance” did not require a building

permit, and the contractor would be replacing stone for stone with a previously approved rock that adjoins the patio/deck area, the contractor proceeded. Handrail was not the issue, as it was going to be removed, was not historic.

PC questioned the use of new stone and the style of construction and that the patio/deck end result was radically different structure than what had been there; also, the dimension appears different; S. Harris assured the PC the dimensions were the same.

P. Berry stated that part of the PC's problem is: what percentage of an original structure needs to be retained for work to be considered "normal maintenance"?

H. Heyser said that the previous patio was so remarkable because it looked old, with big stones, and that kind of work was not done much anymore. J. Stella, commented that the new patio looked pseudo historical, and it was his understanding that if an owner is not going to replace old, don't try to look old. H. Heyser said, in this case, it doesn't look old.

Home owner Diane Iwig asked: this is a different house than a lot of homes; it has additions dating in 1700s, 1860s, 1940s maybe 1945--what is historic? J. Stella answered, the whole house.

D. Iwig said they did the very best they could to match what they were doing with the previous work which had been approved and done on their property, and that their goal was to make it all flow, to have it look correct with what was done last year.

J. Auxer said the PC needed to take into consideration what has been done and how to move forward.

The pattern or style of the new rail was questioned. S. Harris explained that it was unique in design because unlike other composites this can be caulked and painted; he said the material was designed for historical restoration; H. Heyser added that the material is accepted in many historic districts. S. Harris explained that the pattern/style was a classic balustrade, and the intent was to match the houses in the area; the owner had specifically pointed to the building across the street [Thomas Shepherd Inn] and wanted the railing made like that. HLC recommend it be painted same color as the house.

H. Heyser stated that he was disappointed town said one thing, the applicant heard something different.

P. Berry, asked about the rail color and it needed added to the application; color to be same as used on house and trim. J. Stella, moved to approve the application as amended, based on 9-902 I(a)(c), 9-902 III(c), and 9-902 IV(a)(b); L. Robertson seconded; approved with H. Heyser opposing, J. Auxer and B. Schill abstaining.

Adjourned 8:24.