Laytonsville Historic District Work Session Minutes, February 20, 2023

**LAYTONSVILLE HISTORIC DISTRICT COMMISSION**

**Videoconference Meeting Minutes**

**Thursday February 20, 2023**

**Present:**

Charles Hendricks, Chair

Michael McDonald

Jennifer Sizemore

Kris Bradsher

**Absent:**

Andy Drouliskos

**Attendees:**

Mary Burke, Secretary

Jim Ruspi, Mayor

Joy Jackson, Assistant Town Clerk

Amy Koval, Member, Town Council

Eric Wenger, Chair, Planning Commission

James Schneider, Staff Assistant

Rafael De La Rosa and Jessica Membreno, work permit applicants

Rob Shapiro and Ryan Shapiro, Goshen Valley Homes

David McKee, Benning & Associates

Hong Lou, town resident

Steve Crum, MHG

Michael Eanes, President, Laytonsville District Volunteer Fire Department

Christina Pellegrino, town resident

**Opening:**

Chair Hendricks called the meeting to order at 7:32. He noted that a quorum was present.

The first order of business was to approve the minutes from the 1/16 HDC Meeting and the 2/2 HDC Work Session. Member Sizemore made a motion to approve the minutes as edited, which was seconded by Member Bradsher. All members were in favor.

Public Hearing on Historic District Work Permit Application 1–23 for a new home to be built on Lot 2, Area C, in Laytonsville Preserve (21620 Laytonsville Road)

The Public Hearing was opened at 7:35.

* Rafael De La Rosa stated that his whole team was present for this Public Hearing. He noted that changes were made to the home plans based on recommendations received from the HDC at the 2/2/2023 Work Session.
	+ Placement of deck moved to the rear of the home.
	+ Landing windows will include dividers.
* David McKee from Benning and Associates is present to answer any questions regarding grading.
* Steve Crum from MHG confirmed that he received the updated house plans but assumed that the site plan remained the same.
* Chair Hendricks asked David McKee about regrading the land. Mr. McKee stated that the grading was appropriate for the site. It has a very modest slope. The site plan is very complimentary to the rest of the houses on the road. He shared an image of the whole town area from MCATLAS that showed the location of the houses on Laytonsville Road.
* Rob Shapiro drove the street and looked at the house to the left. He believes that the house they are building will be lower than that house based on the current grade. He shared photos of both that house and the empty lot.
* Eric Wenger explained that the county has oversight on storm water management and septic, and that the Town oversees everything else.
* Mayor Ruspi said that the Town has its own ordinance regarding the height of the building. 30.26 feet is what is on the plan. He also expressed concern regarding the placement of the house. It is currently 75’ back from the lot line, which would place it almost behind the house to the left.
* Rob Shapiro stated that the houses along the road were all built in the 1800’s, before the road was used by cars. With today’s traffic, homes should be built further back.
* Mayor Ruspi shared plans regarding the potential Rt. 108 Bypass.
* Amy Koval said that it would be helpful to know the changes from the original approved site plan from 2010. Steve Crum said that the setback in the 2010 plan was 30-40’, and the setback of the proposed new house is 75’.
* Rafael said that he has noticed inconsistencies in the setbacks on Rt. 108.
* Eric Wenger noted that the size of the lot was determined by the developer to meet septic requirements. This home is in the Historic District, and we want to maintain consistency of the setback. He confirmed that the zoning ordinance sets the height limit at 35’.
* Rafael said that he has spoken to Chair Hendricks and Mayor Ruspi and has taken their suggestions and implemented changes. We want to be on record that we’ve met 99% of what the Town has asked of us.
* Chair Hendricks said the most challenging issues have been regrading the land and the setback. He said that we do appreciate the flexibility on other issues.
* Rob Shapiro pointed out that Mike McDonald’s house has a row of evergreen trees to shield traffic. Wouldn’t you rather have your house set back if you were building it new today? I hope that you have some flexibility regarding the setback.
* Chair Hendricks asked about the color of the window frames represented in the image of the house. It was unclear at the Work Session if a decision had been made regarding the color. Rafael answered that budget-wise it is very expensive to have black and that they are leaning towards white due to their budget.
* Mayor Ruspi hears what people are saying about alternatives like a fence or evergreens. He would like to know if there is any leeway regarding the setback. The Town Council would like to know if there is that possibility. I like working with you, and your consultants are doing a great job representing you. I’d really like to see this house happen. Rafael said that they would take it under consideration.
* Member McDonald had no questions. Member Sizemore said that obviously the big question pertains to the setback. Is there any wiggle room? She does not think that the elevation is an issue and said the house plan is beautiful. It will look nice in the Town. Member Bradsher asked which house on that side of Rt. 108 is the farthest from the road. She has lived with the traffic for 23 years and can understand where Rafael is coming from.
* Joy Jackson asked if the home was 75 feet from the road or from the lot line. It is to the lot line per Steve Crum.
* Chair Hendricks said that in his view, given the nature of this property being in Laytonsville Preserve, and the fact it is toward the edge of town, should allow them some flexibility. Having a house that is a little farther back will not diminish the beauty of the street. Having it further back will not be an eyesore.
* Rob Shapiro asked Rafael and Jessica if they would be willing to move the house up 10 or 15 feet? Rafael responded that it is something that they would need to discuss and that it is under consideration.
* Chair Hendricks stated that after tonight’s HDC Meeting, the next step will be the Site Plan Review with the Mayor and Council. Amy Koval asked, if the house were moved, would it impact the grade? Chair Hendricks said if the house is moved closer to the road it would be less appropriate to raise the house.

The Public Hearing was closed at 9:03.

Commission Discussion and Action on Work Permit Application 1–23

* Chair Hendricks is inclined to leave the setback and grading to the Town Council. One alternative is to reject the plan, another is to accept the plan and make recommendations to the Town Council, and a third is to accept with the understanding that individual members of the HDC can go to the Town Council.
* Member Sizemore stated if judging on architectural plans, it will look great. The grading will be pretty much invisible from the street.
* Member McDonald is ready to accept the proposal. The setback is the only issue he has.
* Member Bradsher is excited that there will be a house built there. She has no issues with the house plans, the color, and the windows. Again, the setback is an issue. How would it look if this house was a good 25-30 feet further back than the rest of the historic homes?
* Chair Hendricks believes that people that live on Brink Road enjoy the prominence of their homes, which are closer to the street.
* Member Sizemore made a motion to approve the application as revised with the understanding that the applicants can install either white- or black-framed windows. Chair Hendricks seconded. All were in favor; the motion was adopted.

Public Hearing on Historic District Work Permit Application 02-23 for work behind the Town Hall (21607 Laytonsville Road)

The public hearing opened at 9:21.

* Mayor Ruspi said that this is a simple project already approved by the Town Council. The concrete patio has cracked and creates a safety hazard. We want to remove the concrete and replace it with brick pavers like the ones used in the front walkway. The second part is to replace the wood stairs and ramp to meet ADA Requirements. The third part is to replace the walkway from the patio to the parking lot with new brick pavers.
* Chair Hendricks said that it is a wonderful project and is delighted by it. He is concerned that the plans are not final plans.
* Mayor Ruspi shared that Jim Jordy has done ADA-compliant work in the past. He will construct the ramp so that we comply.
* Chair Hendricks is not in favor of approving a plan that is not finalized. Joy Jackson shared that the drawing was done by her – she was trying to overlay Jim Jordy’s plan over the Divine Landscaping plan to get the overall idea on paper. We have two contractors that will be working on this project.
* Member Sizemore said that we decide things based on what the public can see. The patio will be all brick pavers, the stairs and ramp will be an upgrade to what we have. It’s not our place to tell the contractors what to do – they are the ADA experts.
* Chair Hendricks argued that the commission should approve the plan with the recommendation that, if possible, the wooden structure be built in an ADA-compliant way without extending beyond the building.
* Mayor Ruspi disagreed with what Chair Hendricks said about the ramp. Knowing that it’s going to replace what is there, it is going to go as far as it needs to go to be ADA compliant.

The Public Hearing was closed at 9:50.

Commission Discussion and Action on Work Permit Application 2–23

* Member McDonald agrees we can recommend, as does Member Sizemore though she finds it insulting to the contractor.
* Chair Hendricks made a motion to approve the plan with the recommendation that, if possible, the wooden structure be built in an ADA-compliant way without extending beyond the building. Member McDonald seconded. The motion passed by a vote of 3–1 with Member Sizemore opposed.

**New Business:**

Consideration of possible emergency approval of Historic District Work Permit Application 3-23 for the removal of a large tree in the front yard at 21404 Laytonsville Road:

* Christina Pellegrino shared that they have a large oak tree in their front yard that has been deemed unsafe. They would like approval for its removal without a Public Hearing. Pepco left a note on the front door saying that they would remove the tree free of charge. The Pellegrinos have been trimming it and inoculating it to try and keep it. It has been hit by lightning. Eric Wenger told them that it was dangerous. The verbal estimation is that it would live another 7 months. Pepco will remove the tree but not the stump.
* Member Sizemore made a motion to approve the application on an emergency basis, and Member McDonald seconded. All were in favor.

Discussion of plans being developed by the Laytonsville District Volunteer Fire Department to replace the garage bay doors at the fire station at 21400 Laytonsville Road:

* Michael Eanes stated that they are in an emergency with the garage doors. They started having issues in 2021 when the door would fail to come down, and they would have to use a chain. Contactors agreed that they were not installed well and are under too much strain. They were put in touch with Gaithersburg Garage Doors, a local company. They are suggesting drum roll up doors. Over the last 6 months, there have been $50,000 in emergency repairs. In one instance they could not answer a call because the door would not open. They like the current doors, but they can’t replace them with the same kind because they would fail too.
* Michael will send photos to Chair Hendricks and will plan on presenting at the March 20 HDC Meeting.

**Open Forum:**

* The builder of the home at 21720 Rolling Ridge Lane is encountering financial problems and is trying to sell the house. He may not be able to complete the home.

Member McDonald moved to adjourn the meeting at 10:37. Chair Hendricks seconded, and all approved.

Respectfully submitted,

Mary Burke

Town Clerk